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DESCRIPTION OF CURRENT STATE PRACTICES

MONTANA

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Final Technical Report
Research Project T9233, Task 38
Western States Transparent Borders Project

WESTERN STATES TRANSPARENT BORDERS PROJECT

DESCRIPTION OF CURRENT STATE PRACTICES

MONTANA

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U.S. Department of Transportation
Federal Highway Administration

May 1993

TECHNICAL REPORT STANDARD TITLE PAGE

1. REPORT NO.	2. GOVERNMENT ACCESSION NO.	3. RECIPIENT'S CATALOG NO.

4. TITLE AND SUBTITLE	5. REPORT DATE
WESTERN STATES TRANSPARENT BORDERS PROJECT: DESCRIPTION OF CURRENT PRACTICES—MONTANA	May 1993

7. AUTHOR(S)	8. PERFORMING ORGANIZATION REPORT NO.
Jodi Koehne, Robert R. Scheibe, Mark Hallenbeck	

9. PERFORMING ORGANIZATION NAME AND ADDRESS	10. WORK UNIT NO.
Washington State Transportation Center (TRAC) University of Washington, JD-10 University District Building; 1107 NE 45th Street, Suite 535 Seattle, Washington 98105-4631	11. CONTRACT OR GRANT NO. T9233, Task 38

12. SPONSORING AGENCY NAME AND ADDRESS	13. TYPE OF REPORT AND PERIOD COVERED
Montana Department of Transportation 2701 Prospect Avenue Helena, Montana 69520-1001	Final technical report 14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES

This study was conducted in cooperation with the U.S. Department of Transportation, Federal Highway Administration; FHWA contract manager was Ms. Denise Bednar.

16. ABSTRACT

As part of a national effort to achieve a more efficient transportation system, the "transparent borders" concept is aimed at developing technologies and systems that provide a less expensive and more efficient operating environment for commercial vehicle operations (CVO), and ultimately, one which will allow unimpeded passage of trucks across state boundaries. This report results from the first phase of the Transparent Borders Project, a seven-state study to identify the institutional barriers to implementation of various Intelligent Vehicle Highway System (IVHS) technologies for CVO. It describes the current practices within state and federal agencies and organizations that affect CVO in Montana. Particular emphasis is placed on the primary CVO functions in Montana, including driver and vehicle licensing, operating authority, permitting, tax collection, weight and size regulation, and safety regulation.

17. KEY WORDS	18. DISTRIBUTION STATEMENT
Commercial vehicle, CVO, Intelligent Vehicle Highway System, IVHS, transparent borders, trucking	No restrictions. This document is available to the public through the National Technical Information Service, Springfield, VA 22616

19. SECURITY CLASSIF. (of this report)	20. SECURITY CLASSIF. (of this page)	21. NO. OF PAGES	22. PRICE
None	None	106	

DISCLAIMER

The contents of this report reflect the views of the authors, who are responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the Montana Department of Transportation or the Federal Highway Administration. This report does not constitute a standard, specification, or regulation.

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INTRODUCTION

Some of the most significant consequences of intelligent vehicle-highway system (IVHS) initiatives and technologies involve commercial vehicle operations (CVO). These new technologies offer substantial improvements in the operational efficiency of shipping and trucking firms and the public agencies that regulate, administer, and interact with them.

These new IVHS technologies combine with changes in data collection methods, information sharing, and organization to form a new concept, referred to as "transparent borders." The transparent borders concept was developed to:

- reduce motor carrier costs,
- reduce regulatory costs for public agencies,
- improve competitiveness among motor carriers,
- improve motor carrier safety and compliance, and
- eliminate unnecessary delays for both public agencies and the motor carrier industry.

Most of the costs, associated with both the motor carriers and the regulatory agencies, originate from the tasks associated with compliance. These tasks include the following:

- licensing,
- registration,
- permitting,
- tax collection,
- regulation of vehicle dimensions (size and weight), and
- safety enforcement.

Processing delays that occur when these tasks are performed are often costly and frustrating to regulatory agencies, the motor carrier industry, and the general public.

PROBLEM DEFINITION

There are many aspects of the transparent borders concept that would be beneficial to both industry and government. For example, implementation of specific

IVHS technologies could reduce the costs of operating a trucking firm, improve the safety of the road environment for all drivers, and eliminate unnecessary delays. In turn, there would be benefits for the government and public, including a reduction in regulatory costs and an improvement in safety compliance, which would subsequently reduce attendant auditing requirements.

Though many of the IVHS technologies are already commercially available or technically feasible, substantial barriers prevent their immediate implementation. These barriers may include the following:

- physical limitations at existing facilities,
- resource constraints,
- political concerns (e.g., job security, authority),
- antiquated computer systems and manual record keeping, and
- administrative and legislative restrictions on the collection and dissemination of information and money (including privacy issues).

This project has been funded by the Federal Highway Administration (FHWA) to identify the extent to which these and other barriers are impeding the implementation of IVHS technologies, and to determine how to overcome these barriers.

GOALS AND OBJECTIVES

The primary goals and objectives for the project are as follows.

- Provide documents for each participating state that describe the current regulatory and administrative organizational frameworks within that state as they relate to the creation of transparent state borders for interstate commercial vehicle operations.
- Develop, within each participating state, an interagency working group that will guide the implementation of systems and technologies related to the transparent borders concept. These technologies will be designed to improve the efficiency of both governmental agencies and trucking firms operating in the state.
- Identify the areas where use of IVHS technologies will provide the most significant benefits for each state.
- Develop working relationships between these groups on an interstate level.

- Determine a potential course of action for each state to implement IVHS technologies to improve commercial vehicle operations.

The goal of this first part of the project is to provide each state with a document that describes the basic functions and perspectives of each government agency and industry organization that influences commercial vehicle operations. This report provides readers with a common understanding of these issues, and serves as a reference for state agencies and organizations to use to understand how these functions are carried out in neighboring states.

After each state reviews its report, the report will be updated to incorporate comments and clarifications. The report will then be used in conjunction with the first and second round of project interviews to 1) identify barriers to transparent borders, 2) guide discussions concerning potential technological and organizational solutions to reduce these barriers, and 3) suggest specific solutions for implementation. These issues will be the subject of subsequent meetings and reports.

REPORT FORMAT

This report has been organized to make information as accessible as possible. It is not intended to be read cover to cover, but to be a reference on how commercial vehicle operations work within a specific state.

Consequently, information is repeated within this document. This was done so that, regardless of the reason the information was needed or the reader's perspective, the information would be easy to find. For example, if readers want to know how a specific function is performed, they can turn directly to the process description chapter. Or, if readers are interested in the organizations involved or distribution of tasks among those agencies, they can find their information in the organization and/or task responsibility chapters without having to read through the details of how a particular function is performed.

This report presents the following information:

- an overview of the organizational structures of both the agencies and industries involved in interstate trucking;
- a description of the agencies' and industries' roles and perspectives related to interstate trucking;
- a description of the various administrative and regulatory processes required of the interstate trucking industry, including driver licensing, vehicle licensing and registration, operating authority and insurance, permits, tax collection, weight and size regulations, and safety regulations; and
- an overview of the information paths and data sharing within and among the various agencies and industries, including computer systems and databases.

This report does not identify barriers to the implementation of IVHS technologies, nor does it describe measures that would ease their implementation. However, these topics will be covered in subsequent reports.

The following sections examine the status of commercial vehicle operations, first from the institutional viewpoint and then from a functional perspective.

ORGANIZATIONAL STRUCTURE

To identify barriers that may prevent the implementation of transparent borders technologies, one must understand the organizational structure of the agencies and industries that are associated with commercial vehicle operations. This is especially important if the various agencies and industries must work cooperatively.

GOVERNMENT AGENCIES

Interstate trucking is regulated and serviced by various federal and state agencies. Though the researchers focused on state agencies in this report, several federal agencies are also important to this investigation (Figure 1). The U.S. Department of Transportation (USDOT) has three major branches that interact with commercial trucking: the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA), and the Research and Special Programs Administration (RSPA). Under the FHWA, the Office of Motor Carriers has a number of sub-organizations that primarily assist in the development and enforcement of safety standards and laws. The RSPA is responsible for writing and enforcing hazardous material regulations affecting transportation.

The Interstate Commerce Commission (ICC) is responsible for the development and enforcement of economic regulations affecting interstate trucking. The ICC also grants interstate operating authority to interstate carriers.

The Internal Revenue Service (IRS) is responsible for collecting the Federal Heavy Vehicle Use Tax (FHVUT) from all carriers operating vehicles with a gross vehicle weight (GVW) of 55,000 lb. or greater. Carriers are responsible for providing proof of payment of the FHVUT when registering their vehicles. The IRS also collects an excise tax on the first retail sale of some heavy trucks and trailers.

In addition, the American Association of State Highway and Transportation Officials (AASHTO) is interested in commercial vehicle operations. AASHTO is divided

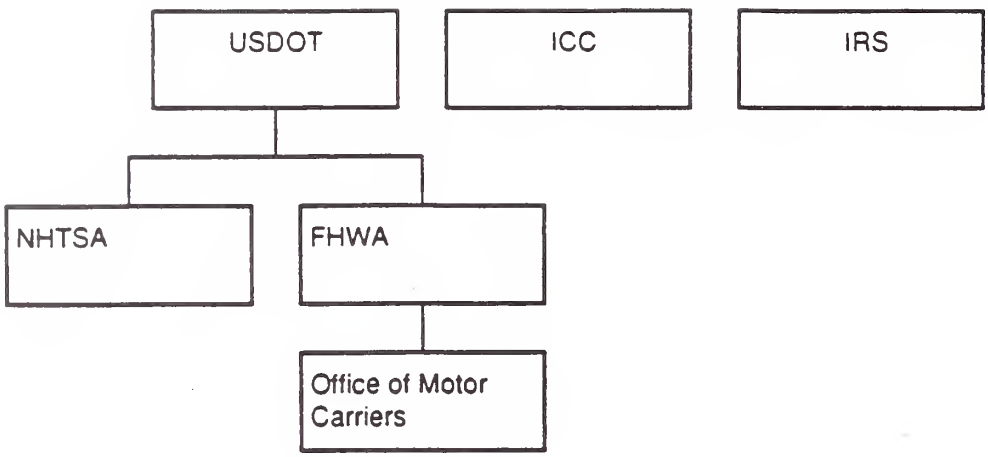


Figure 1. Federal Regulatory Agencies

into four regions, and a subcommittee on highway transport comprises one member from each state. The Western Association of State Highway and Transportation Officials (WASHTO) also has a highway transport subcommittee. WASHTO is not a formal division of AASHTO; the states of Idaho, Oregon, and Washington began to work on uniformity of size and weight issues, but eventually became a consortium of 17 states called WASHTO. The WASHTO subcommittee has charter primarily to promote uniform size and weight, but it has other interests also.

At a state level, Montana's motor vehicle responsibilities are shared by three entities: the Montana Department of Transportation (MDT), the Montana Department of Justice (MDJ), and the Montana Public Service Commission (MPSC). The organization of regulatory agencies in Montana is shown in Figure 2. Note that the MDT is headed by the governor, the MDJ is under control of the attorney general, and the MPSC reports to the five member elected Public Service Commission.

Within the MDT is the Motor Carrier Services Division (MCS) (previously Gross Vehicle Weight Division), which handles mainly vehicle registration, permitting, tax collection, fuel licensing, and size and weight enforcement for commercial motor vehicles. Since the MDT's reorganization in 1991, the MCS Division has had to compete for funding with the Highways, Rail and Transit, Aeronautics, and Administration divisions (Montana Department of Highways became Montana Department of Transportation, broadening the scope of the agency to include aeronautics, transit, rail and motor fuel).

The Montana Highway Patrol (MHP) is within the Department of Justice. Personnel are shared by a number of divisions within the Department of Justice. The Motor Vehicles Division (MVD), is responsible for the licensing of commercial vehicle drivers and the enforcing of commercial vehicle safety.

A special branch of the MHP is dedicated to the Motor Carrier Safety Assistance Program (MCSAP). While it is the responsibility of the MDJ to ensure that MCSAP

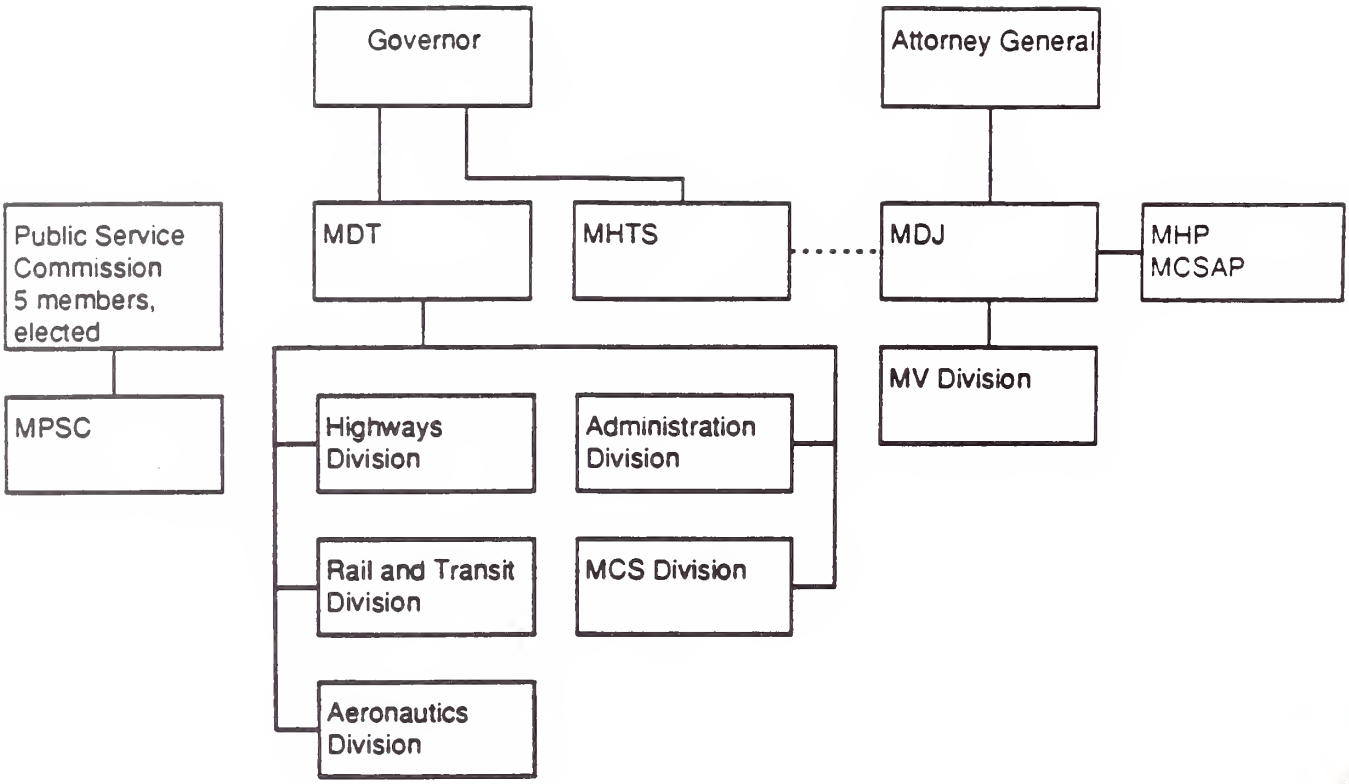


Figure 2. Regulatory Agencies of Montana

specifications are carried out according to federal standards, the MCSAP inspectors come from both the MDJ (MHP officers and inspectors) and the MCS division of MDT.

A second safety-related branch is the Montana Highway Traffic Safety Division (MHTS), under the direct arm of the governor but tied administratively to the Department of Justice. The MHTS has a separate funding source; it acts as a funnel for federal safety funds (other than MCSAP funds).

A separate entity, the Montana Public Service Commission (MPSC), is responsible for granting intrastate operating authority and for registering interstate authority. The MPSC regulates standards that are set at a federal level by the Interstate Commerce Commission (ICC).

INDUSTRY

The commercial trucking industry comprises motor carriers (including business owners, owner/operators, and drivers) and entities that manufacture and service vehicles and provide components. National, regional, and state associations protect and promote the interests of motor carriers (Figure 3).

On a national level, these associations include the American Trucking Association (ATA), the National Private Truck Council (NPTC), and the Owner Operator Independent Drivers Association (OOIDA).

The Western Trucking Association Executive Council (WTAEC) serves to provide a forum through which important trucking issues can be discussed on a regional level. Discussions focus mainly on interstate trucking issues in any of the 14 member states.

At the state level, the Montana Motor Carriers Association (MMCA) serves to inform its members about important regulatory issues that may affect them, provide a forum in which representatives from all aspects of the industry can offer input to the decision-making process, and provide other benefits to its members.

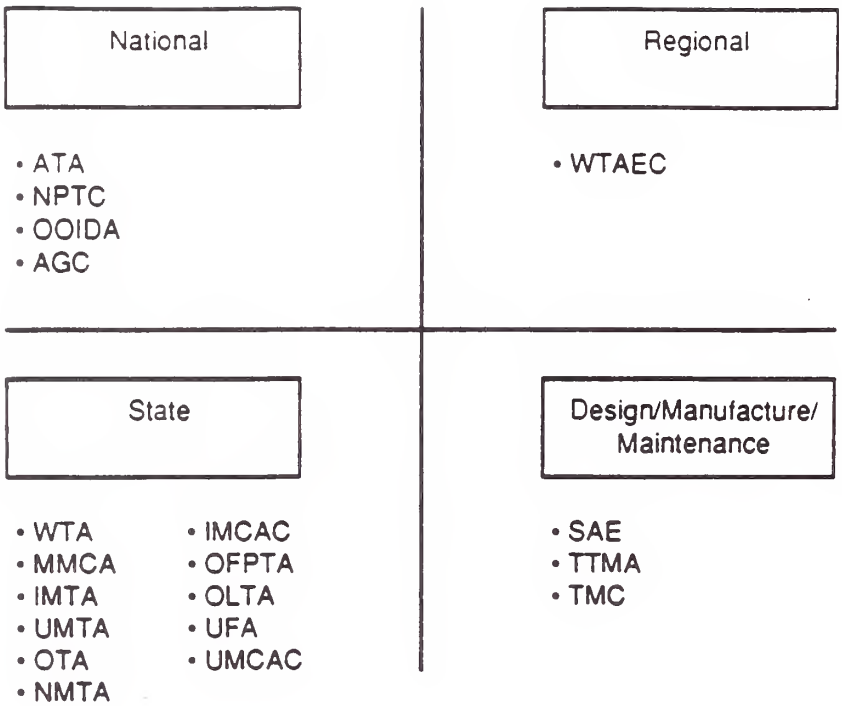


Figure 3. Trucking Industry Organizations

Unlike a number of other states, a motor carrier advisory committee does not exist in Montana. Such committees identify important commercial vehicle operations issues on the cases of input from industry representatives, summarize these issues and present them to decision makers at a regulatory level.

The vehicle industry has a number of trade organizations, including the Society of Automotive Engineers (SAE), the Truck Trailer Manufacturers Association (TTMA), and the Truck Maintenance Council (TMC). These organizations provide a forum in which designers, manufacturers, and service technicians can share information, participate in the development of federal regulations (including size, weight, and safety codes), and respond to changes in federal regulations.

In many cases, motor carriers and the public agencies that regulate them have very different interests. The specific roles and perspectives of each of the major agencies involved with interstate trucking are discussed in detail in this section.

Regulatory agencies must oversee a wide range of commercial vehicle functions, including driver licensing, vehicle licensing and registration, operating authority, tax collection, permitting, weight and size enforcement, and safety enforcement. In Montana, commercial vehicle regulatory agencies include

- the Montana Department of Transportation, Motor Carrier Services Division,
- the Montana Department of Justice, which includes the Motor Vehicle Division and the Montana Highway Patrol, and
- the Montana Public Service Commission.

The specific responsibilities of each of these agencies is summarized in Table 1 and is discussed in detail below.

MONTANA DEPARTMENT OF TRANSPORTATION

The Montana Department of Transportation (MDT) has two primary divisions that support commercial vehicle operations: the Motor Carrier Services Division and the Administration Division.

The Motor Carrier Services Division (MCS) has front-line "client" responsibility to commercial vehicle operators. Responsibilities include registering interstate vehicles under the International Registration Plan, issuing overdimensional permits, issuing fuel tax stickers, and enforcing the safety, size, and weight of commercial vehicles (Table 1).

The Administration Division manages motor fuel licensing and taxation. In conjunction with MCS (which issues fuel tax stickers), the Administration Division collects and audits payment of fuel taxes. The Administration Division also is primarily responsible for maintaining computer services for the MDT on its mainframe computer.

Table 1. Commercial Vehicle Operation (CVO) Responsibility by Agency

Agency	CVO Function																			
			Interstate Operating Authority & Insurance		Permits								Taxes				Enforcement			
					Temporary				Annual				State		Federal			Safety		
	CDL	Vehicle Licensing & Registration	Granting	Registering	Vehicle Registration	OS/OW	Special Fuel	Operating Authority	OS/OW	Special Fuel License	Western Regional	Hazardous Materials	IFTA	Special Fuel	MV Excise	FHVUT	Weight & Size	Inspection	Safety/Compliance Review	Comments
MDT-MCS	✗	✍ [1] ✗	✗	✗	✍ ✗	✍ ✗	✍ ✗	✗	✍ ✗	✍ ✗	✍ ✗	✗	✍ ✗	✍ ✗		✗	✗	✗		[1] Interstate only
MDT-Admin													✗ [1]	✗ [1]						[1] Collection and auditing only
MDOJ-MVD	✍	✍ [1]																		[1] Intrastate only
MDOJ-MHP	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗			✗	✗	✗	
MPSC			✗	✍ ✗				✍												
MDHES												✍ [1]								[1] Hazardous waste
ICC			✍ ✗																	

(continued on next page)

✍ Issuing ✗ Enforcing

Table 1. Commercial Vehicle Operation (CVO) Responsibility by Agency (continued)

Agency	CVO Function																			
			Interstate Operating Authority & Insurance		Permits								Taxes				Enforcement			
					Temporary				Annual				State		Federal			Safety		
	CDL	Vehicle Licensing & Registration	Granting	Registering	Vehicle Registration	OS/OW	Special Fuel	Operating Authority	OS/OW	Special Fuel License	Western Regional	Hazardous Materials	IFTA	Special Fuel	MV Excise	FHVUT	Weight & Size	Inspection	Safety/Compliance Review	Comments
US DOT/ FHWA	✗[1]		✗[2]									✍ ✗					✗[1]	✗[1]	✗[1]	[1]FHWA oversees state program [2]Enforce insurance on interstate carriers
IRS															✍	✍				

✍ Issuing ✗ Enforcing

The MDT must provide the safest and most efficient roadway environment possible, while maintaining roadway structures to prevent premature deterioration. Because heavy trucks accelerate roadway deterioration, the MDT-MCS must regulate the amount and types of heavy traffic that utilize the various roadways. As part of the overdimensional permitting process, the MCS must interact with a third MDT division, the Highways Division, in order to approve routing of oversize/overweight vehicles.

MONTANA DEPARTMENT OF JUSTICE

The Montana Department of Justice (MDJ) responsibilities are wide ranging. With respect to commercial vehicle operations, the MDJ is required to act as both a service agency and an enforcement agency.

In a service capacity, the Motor Vehicle Division (MVD) of the MDJ tests for, issues and monitors commercial vehicle driver's licenses. In an enforcement capacity, Montana Highway Patrol officers have the authority to (1) check for proper credentials (commercial driver's license, vehicle registration, operating authority, insurance, and permits), (2) enforce safety compliance, and (3) enforce weight and size compliance. This enforcement action can occur if the commercial vehicle driver is stopped for some other traffic violation (speeding, mechanical failure) or stopped at a port of entry or weigh station for a routine inspection.

The MHP also acts as the lead agency for gathering and maintaining commercial vehicle inspection data. This is done under the Motor Carrier Safety Assistance Program (MCSAP), which will be described later.

MONTANA PUBLIC SERVICE COMMISSION

The Montana Public Service Commission (MPSC) directs economic regulation of common and contract carriers operating within Montana. Private carriers (carriers that haul commodities to which they own title) are exempt from commission regulation unless

they are operating as a contract carrier part-time. Basic regulatory tasks include the following:

- granting intrastate operating authority,
- registering interstate operating authority,
- approving rates and maintaining tariffs for intrastate operation,
- investigating complaints regarding rates, services, and charges, and
- maintaining insurance compliance for all regulated carriers.

The MPSC is primarily a regulatory agency that is focused on business rather than roadway operations. Because it has only a few enforcement officers; roadside enforcement is therefore shared by the MHP and MCS officials. The MPSC does not impose much regulatory authority over interstate carriers (other than insurance); this is handled primarily by the Interstate Commerce Commission (ICC).

INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission (ICC) is responsible for granting operating authority to any state-based carrier wishing to operate on an interstate level. State regulatory agencies monitor the possession of proper interstate authority.

UNITED STATES DEPARTMENT OF TRANSPORTATION

The United States Department of Transportation (USDOT) is not often involved in the day to day regulation/enforcement of commercial vehicle operations but is instead responsible for ensuring that the state-level regulation/enforcement programs are sufficient. Such programs include (1) commercial drivers licensing, (2) weight and size compliance, (3) safety compliance, and (4) compliance with hazardous material regulations. State agencies usually must submit annual reports to the USDOT describing their program operations.

INTERNAL REVENUE SERVICE

The Internal Revenue Service (IRS) is responsible for collecting commercial vehicle related taxes such as the Federal Heavy Vehicle Use Tax (FHVUT), and the Federal Motor Vehicle Excise Tax. The IRS relies on state agencies to verify payment of the FHVUT at the time of registration.

Within the motor carrier industry, various sectors have diverse interests. These differences in perspective are often evident between drivers and fleet owners, and between carriers operating in different industries.

MOTOR CARRIER INDUSTRY

The motor carrier industry comprises primarily truck fleets, individual owner/operators, drivers, and vehicle (and component) manufacturers. Each has a different perspective.

Fleet Operators

Fleet operators are concerned with the business aspects of trucking. From a discussion with a representative of the Washington Trucking Associations (WTA), which is largely composed of fleet owners, the researchers learned that fleet owners' major concern is commerce, but they are also interested in industry image. Image includes the issue of safety, and the desire to have a closer alliance with the state enforcement agency. Fleet owners expressed the desire for the elimination of (and no further creation of) unfair advantages that adversely affect competition.

The fleet managers participating in this project were uniformly interested in improving their ability to communicate with their drivers. They expressed concerns that drivers (1) did not always have access to needed information, (2) were not sufficiently familiar with the complex regulatory requirements of different states, and (3) needed better communication with the fleet's dispatch and/or administrative offices. However, these desires for improved communication were tempered by the need to keep the costs of such improvements relatively low.

Fleet managers expressed a variety of opinions about improving their ability to monitor drivers and vehicles. The desire to monitor vehicle and driver performance varied with the nature of the fleet operations. Managers of fleets hauling standard loads

from one terminal to another on a routine basis expressed relatively little interest in these improvements, whereas managers of fleets with more varied routes and/or fewer means for obtaining other driver/vehicle performance information showed more interest in technologies that could provide this type of information. Again, interest in all of these potential improvements was tempered by strong concerns about the cost effectiveness of the individual systems and technologies, and the concern that new regulations or initiatives could result in additional costs for doing business.

Drivers

Perspectives on many of the IVHS technologies differ significantly among drivers. Typically, a driver/employee is most interested in doing the job with the least amount of intervention and monitoring, in the safest possible manner, and with the highest personal income. However, in general, the more closely related the drivers are to the business aspect of the industry (i.e., a self-employed, owner-operator versus an hourly employee), the more closely their sentiments match those of small fleet operators. The more responsibility a driver has (e.g., owner/fleet manager), the greater is his concern for some of the business issues raised above.

Changes in motor carrier regulations and requirements may have a substantially greater effect on owner-operators who are responsible for obtaining their own work and maintaining their own equipment than on a driver whose only responsibility is to drive.

Manufacturers

Manufacturers of vehicles and vehicle components are in the business of designing and manufacturing products to support the motor carrier industry. It is their responsibility to provide vehicles that meet federal, as well as state, safety and size/weight standards, in a manner that affords the user the greatest utility for the investment.

One vehicle manufacturer stated that the transparent border technologies under consideration (so far) are technically feasible, but the cost of installation may be

prohibitive unless it is supported by the motor carrier industry. It was their opinion that the proper approach to incorporating any new IVHS technology is to avoid mandating its use until the technical development is complete and the technology has received general acceptance from the motor carrier industry. This manufacturer believed that the costs of any such technologies should be borne by those who realize the greatest benefit, and that the customer, the motor carrier industry, is wary of paying for any new technology that has not proved to benefit their business.

MOTOR CARRIER ASSOCIATIONS

Trucking industry associations provide a forum for exchanging information related to the motor carrier industry and a medium through which changes in the current practices can be made. A wide variety of trucking industry associations exist; each represents different interests and substantially different opinions or viewpoints. Some of the more prominent associations are discussed below.

American Trucking Associations

The American Trucking Associations (ATA) is a national trade organization that represents a wide range of trucking industry members. The ATA carefully follows trends in the trucking industry at a national level, monitors opinions from its members, and lobbies on behalf of the industry for issues of national importance.

The ATA is composed of three interdependent parts: 51 state trucking associations; legislative, policy and technical headquarters in Washington D.C.; and ten independent national conferences.

Montana Motor Carriers Associations

The Montana Motor Carriers Associations (MMCA) consists of approximately 425 carrier members and an additional 180 members from the trucking supply industry. The average size of the carrier members range from 20 to 40 power units. Members are classified by commodity, including forest products, bulk commodities, wet or dry, livestock, local cartage and household goods, and logs, or by carrier type such as private,

specialized, passenger, common, regular or irregular route, owner-operators, and oil field and heavy haulers. An estimated 90 to 95 percent of the MMCA members participate in interstate operations.

As a result, the MMCA is very active in not only statewide activities that affect the trucking industry but also national activities. The MMCA is a member of the ATA, and MMCA members serve on the ATA's Board of Directors. The MMCA is also involved with the Western Trucking Association Executive Council (WTAEC), which provides a forum for addressing issues that affect the western region. On a state level, the MMCA works with the Highway User Federation (HUF) and many other associations representing business and industry interests.

The primary interests of the MMCA members include the maintaining of an economic environment that allows both the carrier and supplier to operate profitably with a minimum amount of government regulation.

Specific concerns that exist among MMCA members include compliance with safety regulation, increasing general and highway user taxes, lack of uniform requirements and regulations among states, and other state and federal regulations that reduce profit.

The MMCA is aware that the implementation of the transparent borders concept is not simple. From the MMCA's point of view, the federal government, states, and other users have been unable to agree on a single standard for important technological issues such as transponders. Their fear is that the industry will invest large amounts of money in technology to encourage the implementation of transparent borders, but federal and state governments will select a non-compatible technology for the standard.

The MMCA is also aware that anything beyond simple identification of the vehicle will be costly for the carriers. The MMCA believes that it may be difficult to convince the carriers of the benefit.

Furthermore, the industry is concerned that state regulatory agencies will not be prepared to process and maintain all of the required information that will be available through transponders at the same time that the trucking industry will be required to install them.

None of the issues raised here are unique to the state of Montana. Anyone operating in the trucking industry today has similar concerns.

Other Industry Representatives

The National Private Truck Council (NPTC) is an association comprising mainly corporations that operate their own trucking fleets. The NPTC works at the national level to support legislation beneficial to the trucking industry, with particular emphasis on those issues that affect private fleet operators. Similarly, the Owner-Operator Independent Driver Association (OOIDA) is a national trade association that serves the interest of independent owner/operators.

PROCESS DESCRIPTION

To best understand the requirements for interstate trucking operation, the process of fulfilling these requirements must be understood. This section examines these processes from the functional standpoint, rather than from the institutional format of the previous sections.

Each state has the same basic functional processes, which include the following:

- driver licensing,
- vehicle licensing and registration,
- operating authority and insurance,
- permits,
- tax collection,
- weight and size regulation, and
- safety regulation.

Figure 4 depicts how each of these processes can be classified into one of three categories. The categories are initiation, operational, or enforcement/regulation processes. Initiation processes are required for getting the vehicle and driver on the road. Operational processes are the functions necessary for everyday operation, year after year. Enforcement and regulation processes are self-explanatory.

Because this project focuses on the differences in these processes among the states (the differences that may represent barriers to the transparent borders concept), the researchers decided to include the processes that are federally mandated, and hence similar from state-to-state, in Appendix C. Therefore, this section of the report concentrates on the functional processes that are generally more specific to each state.

Table 2 is a summary chart showing each CVO function, the agencies that are primarily responsible for administering the function, their agents, the regulatory or enforcing agency for each function, and the location where enforcement typically occurs.

Each of the sections that follow are divided to describe (1) the agencies involved with each process, (2) the process itself, (3) the contact that must occur for the process to

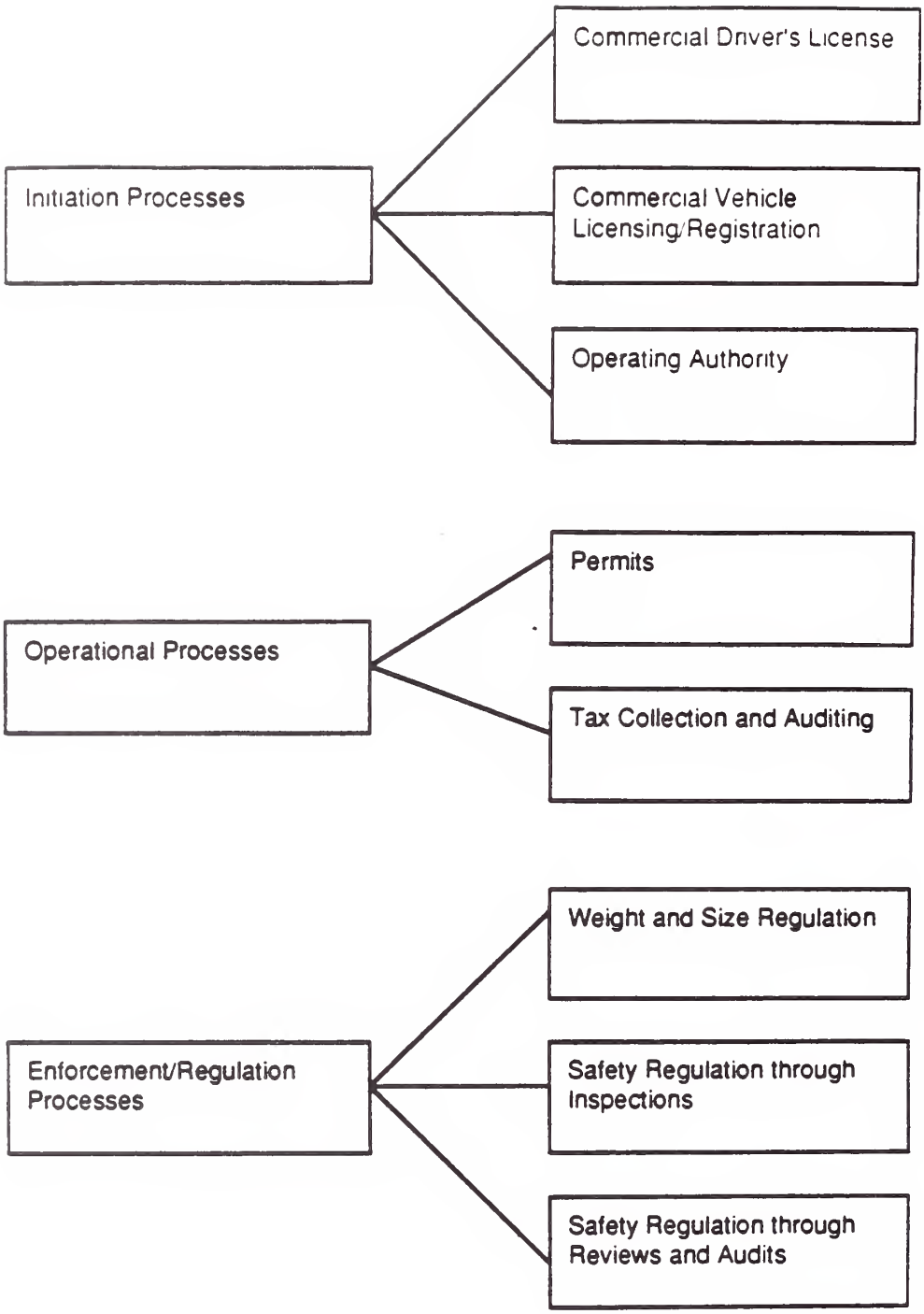


Figure 4. CVO Functions

Table 2. Agency Responsibility by Function

Commercial Vehicle Function		Administration	Issuance	Enforcement	Location
Commercial Driver's License		MVD - MDJ	Civilian CDL Exam Stations (14)	MHP - MCSAP	Roadside Terminal
				MDT - MCS	Roadside
Vehicle Registration and Licensing		MDT - MCS (Interstate) MVD - MDJ (Intrastate)	MCS office - Helena County Treasurers (56)	MHP - MCSAP	Roadside Terminal
				MDT - MCS	Roadside
Operating Authority-Granting		ICC	ICC	MPSC, ICC, USDOT	Terminal
				MHP	Roadside
Operating Authority-Registering		MPSC	MPSC	MPSC	Terminal
				MHP, MDT - MCS	Roadside
Permits	Vehicle Registration, Special Fuel OS/OW Western Regional	MDT - MCS	Region Offices (11) POEs (27) County Offices Private Businesses National Agents	MHP, MCS	Roadside
	Operating Authority	MPSC	MPSC	MDT - MCS, MHP	Roadside
Tax Collection	IFTA, Special Fuel	MDT - ASB	MDT - ASB	MDT - ASB (Audit)	Terminal
				MHP, MDT - MCS	Roadside
	MV Excise	IRS	Dealers	Counties	Place of Purchase
	FHVUT	IRS	IRS	MDT - MCS, Counties	Place of Registration
Weight and Size Enforcement		USDOT[1]	—	MDT - MCS, MHP	Roadside

(continued on next page)

Table 2. Agency Responsibility by Function (continued)

Commercial Vehicle Function	Administration	Issuance	Enforcement	Location
Safety Enforcement-Inspection	USDOT[1]	—	MDT - MCS, MHP - MCSAP	Roadside
			MHP - MCSAP	Terminal
Safety Enforcement-Safety/ Compliance Reviews	USDOT[1]	—	MHP - MCSAP, USDOT	Terminal

[1]USDOT oversees operation of state level programs

[2]MCS and counties verify payment of FHVUT prior to vehicle registration

Terminal - Principal place of business or fixed location where carrier records are maintained.

Roadside - Ports of entry, weigh stations or other roadside locations suitable for stopping a truck.

be completed, and (4) practices that are unique to the state of Montana, if any have been identified.

COMMERCIAL DRIVER'S LICENSE

In accordance with the 1986 Commercial Motor Vehicle Safety Act, all states are required to meet the same minimum standards for testing and licensing drivers of commercial vehicles. Because little variation exists among state Commercial Driver's License (CDL) practices, a more detailed description of CDL requirements is given in Appendix C.

Agency Involvement

The Motor Vehicle Division, within the Department of Justice, is responsible for issuing, monitoring, and maintaining records for commercial driver's licenses. Fourteen full-time driver license examining stations exist throughout the state of Montana. Presently, all licensing examiners are civilians who are employed by the Department of Justice to perform this duty. Before the civilian staff, license examinations were administered by Montana Highway Patrol officers.

Various agencies, including the Montana Highway Patrol (including MCSAP inspectors), Montana Department of Transportation, and the Federal Highway Administration Office of Motor Carriers have responsibility for verifying a driver's possession of a legitimate CDL. A driver who lacks proper CDL credentials can be detected if: (1) stopped on the roadside for a traffic violation, (2) stopped at a port of entry or weigh station for inspection, or (3) involved in a terminal audit.

Process Description

As depicted in Figure 5, a driver is required to go, in person, to any of the 14 licensing stations in Montana to (1) *qualify* to become a commercial vehicle driver; (2) *upgrade* an existing CDL or (3) *transfer* the CDL of another state to Montana if Montana is the new place of residence.

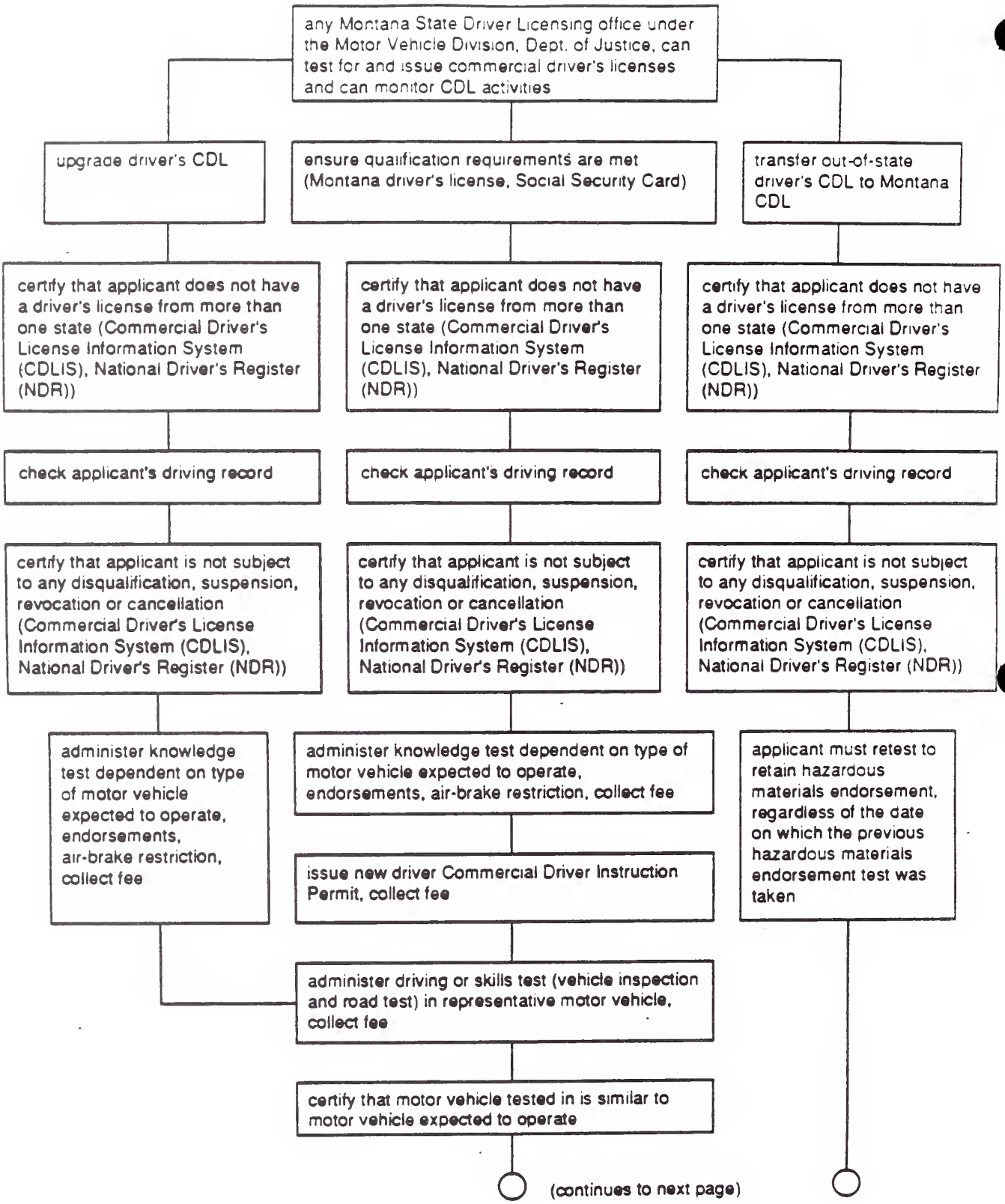


Figure 5. Procedures For Issuing a Commercial Driver's License in Montana

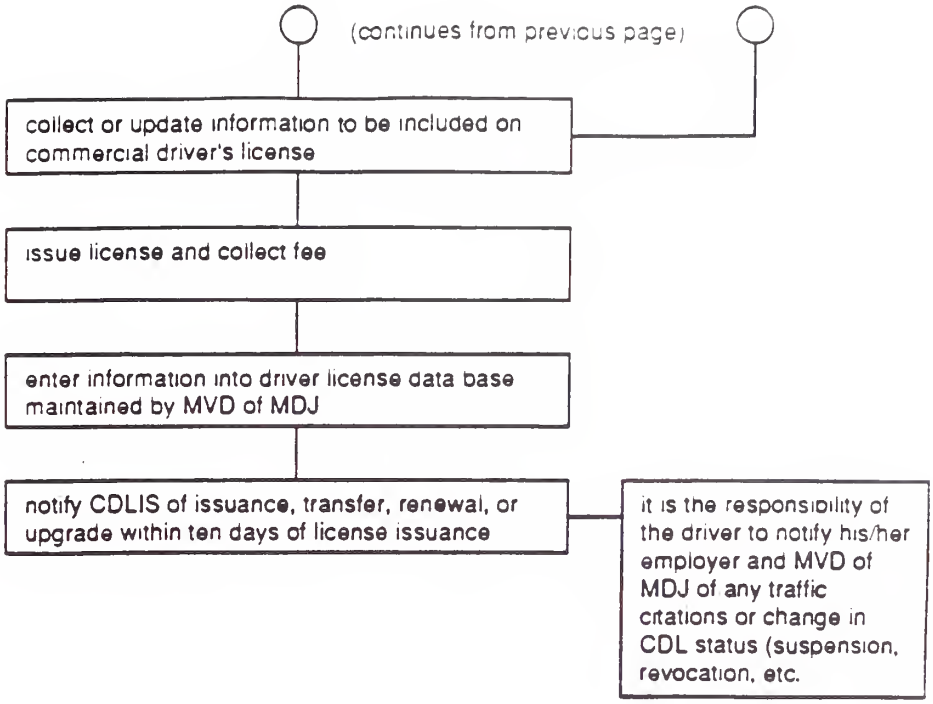


Figure 5. Procedures For Issuing a Commercial Driver's License in Montana (continued)

To qualify for a CDL, a driver must first pass a knowledge and skills test to show awareness of the rules of the road and the capability of driving a commercial vehicle. Additional testing is also required to upgrade the CDL. If a driver wishes to transfer the CDL from another state to Montana, no additional testing is required unless the driver wishes to maintain a hazardous materials endorsement. In this case, the driver should be prepared to retest for the endorsement, regardless of when the last endorsement test was taken (usually, retests are only required upon renewal).

Before testing, a number of credentials are checked to determine whether the applicant is able to qualify for a CDL. These credentials include

- the license number of the vehicle,
- the applicant's social security number,
- the applicant's date of birth, and
- a valid medical card for the applicant.

If the driver is upgrading or transferring the CDL from another state, the Commercial Driver's License Information System (CDLIS) and the National Drivers Register (NDR) are checked (via AAMVANET) to ensure that the driver does not possess more than one license and is not subject to any disqualification, suspension, revocation or cancellation. The applicant's driving record is also examined prior to license issuance. Often, other states are prompted to send information about the driver's status if the applicant is transferring from another state.

If the applicant has provided all necessary credentials, passed the required skills and knowledge tests, has a clear driving record, and paid the required fees, a temporary license is issued immediately, and a photo license is issued later.

Information regarding the transaction is then sent to the national networks (CDLIS and NDR) to ensure that the information is up-to-date.

Required Contact

The CDL issuing agency must have contact with the following entities in order to complete the issuance process:

(1) CDL applicant or holder,
(2) national monitoring networks, such as CDLIS and NDR, and
(3) other states' licensing agents.

Personal contact must occur between the applicant and the issuing agency for purposes of verifying the applicant's credentials and testing. The national networks, such as CDLIS and NDR, can be accessed directly via computer. If information is required from other states regarding the driver's status, it is usually collected by telephone. This relationship is depicted in Figure 6.

Unique Practices of the State

Montana law allows the use of an intrastate medical card (valid only in Montana) that carries a different set of standards than a Federal DOT medical card. Hence, the intrastate medical card is not acceptable to other states. A Montana driver must possess a valid DOT medical card to receive a CDL that is acceptable for interstate travel.

Also, Montana law does not specifically require a driver to carry a valid medical card in the vehicle, though the driver must possess a valid medical card in order to receive a CDL. According to federal law (and in other states) the CDL is not valid unless accompanied by a medical card. This discrepancy could result in enforcement problems for Montana-based truckers who are not aware of these laws.

VEHICLE LICENSING AND REGISTRATION

A carrier or owner/operator has essentially three ways of registering each vehicle: (1) apportioned registration for interstate operation (International Registration Plan-IRP), (2) full registration for intrastate operation or interstate operation from trucks based in a non-IRP state, and (3) trip permits in lieu of apportioned registration or full registration.

The International Registration Plan (IRP) is addressed generally in this section, but a more detailed description of the program is found in Appendix C.

Agency Involvement

The Montana Department of Transportation Motor Carrier Services Division (MCS) is responsible for registering interstate vehicles through the IRP, and for providing

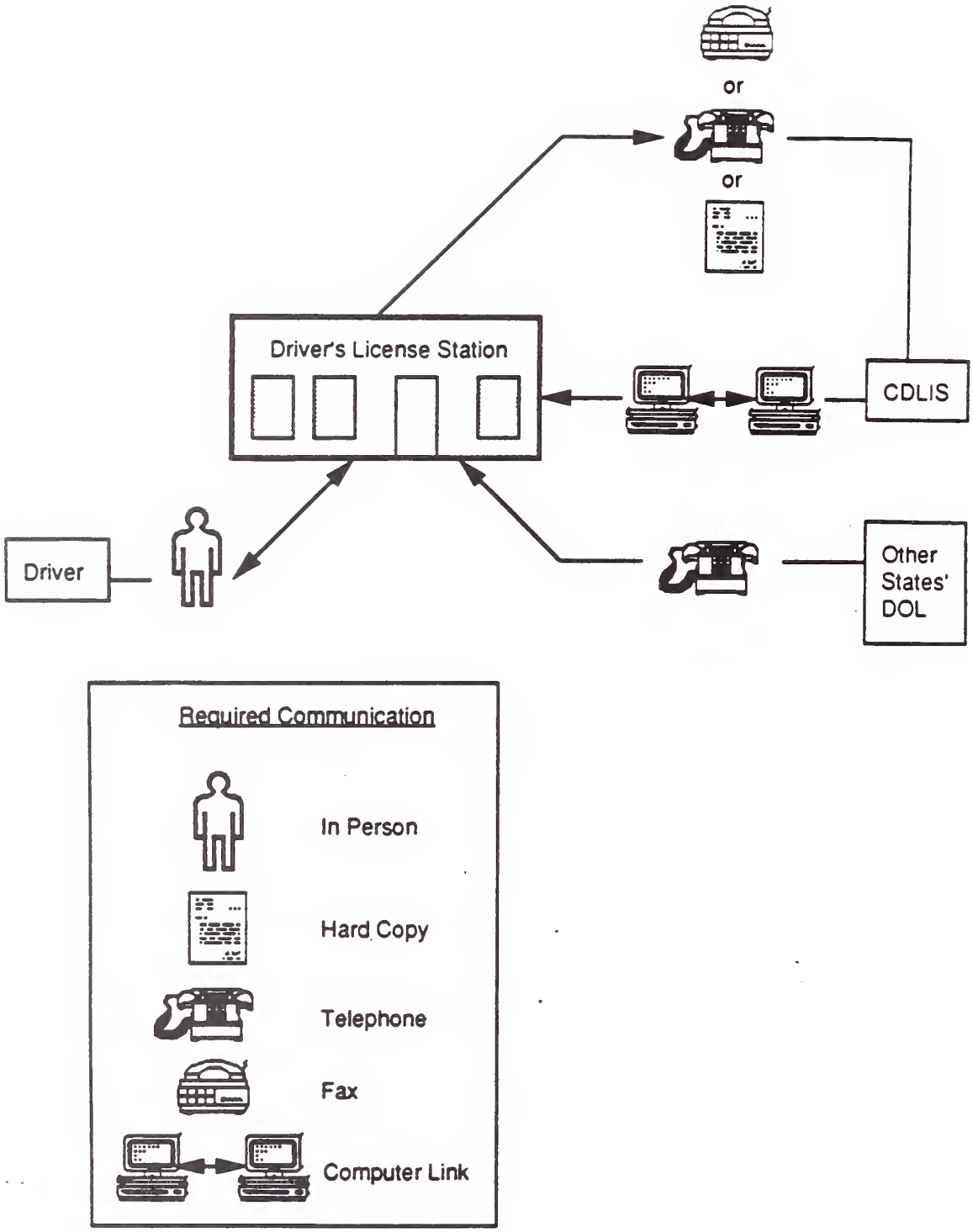


Figure 6. Required Communications for Issuing/ Transferring/ Upgrading CDL in Montana

temporary registration permits for interstate vehicles. The MCS also handles intrastate registration for a few large fleets in Montana.

The Montana Motor Vehicle Division (MVD), within the Department of Justice, is responsible for registering intrastate vehicles and issuing vehicle license plates. Vehicles can be registered and licensed at 56 county treasurer offices located throughout Montana. The counties collect all fees and taxes for the MVD, including registration fees for intrastate commercial vehicle operation (Gross Vehicle Weight fees).

Proper registration and licensing is monitored by the Montana Highway Patrol and by MCS officials. Improper registration or licensing can be detected (1) if it is visibly noted by an officer or if it is noted while an officer is taking enforcement action for some other purpose, (2) if it is noted at ports of entry or weigh stations, or (3) if it is detected during a terminal audit.

Process Description

A summary of the registration process is provided in Figure 7. First, the registration agency must determine from the applicant (carrier) the type of registration desired (1) full registration for intrastate operation, (2) apportioned registration for interstate operation (IRP), or (3) a trip permit in lieu of either apportioned registration or full registration.

Before registration, the issuing agency verifies (1) payment of the Federal Heavy Vehicle Use Tax (FHVUT) and (2) the bill of sale for the vehicle. In addition, the following information is collected from the applicant:

- type of operation,
- vehicle information,
- expected miles traveled by jurisdiction,
- weight group information, and
- special registration information (i.e., split or combined registration for Montana).

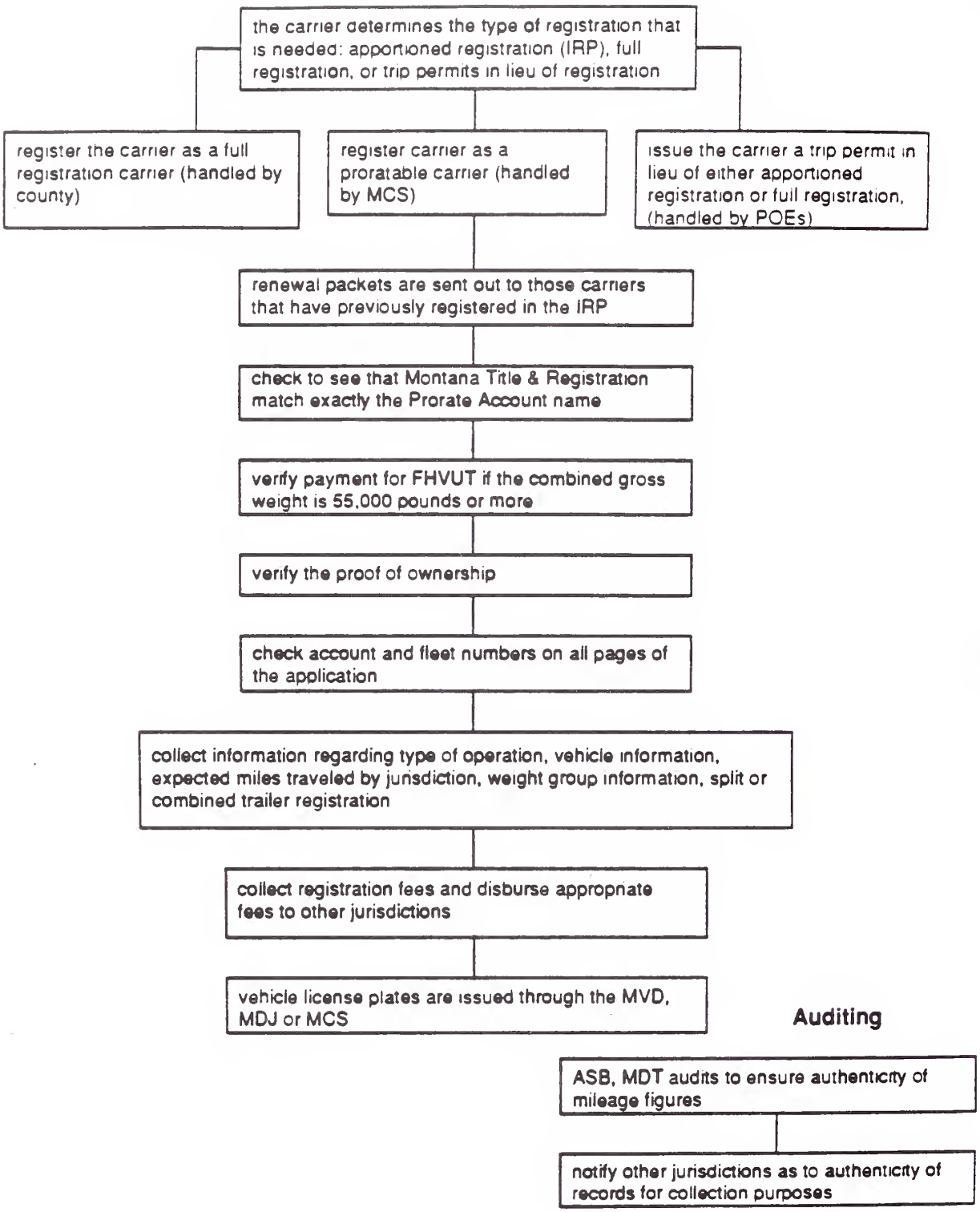


Figure 7. Procedures for Registering a Commercial Vehicle in Montana

Carriers that have previously registered in the IRP receive renewal packets requesting this information and proof of credentials.

Interstate registration fees are collected by the MCS, forwarded to the MDT Administration Division and, on the basis of expected vehicle miles traveled by jurisdiction, are disbursed to other jurisdictions. All fees are proratable state to state (property tax, sales tax, registration fees, GVW fee).

Registration records are audited by the Administration Division to verify the authenticity of the information provided to the issuing agency. Other jurisdictions impacted by the audit are notified.

Required Contact

To complete the process of registering a commercial vehicle with the IRP, contact with the carrier and the issuing agency must occur in order to verify credentials, gather information, and collect registration fees. In some cases, this contact does not need to be in person but can take place via mail or fax. This is especially true for carriers with a large number of vehicles.

The issuing agency must also have some contact with other agencies to verify the bill of sale (Figure 8).

Unique Practices of the State

Trailers must be prorate-registered in Montana (and also in California). This means a carrier can attribute all its weight fee registration to a tractor (often 80,000 lb) or can split the fee between a tractor and trailer (often 46,000/34,000). Putting all of the weight on the power unit produces a fee of $1800 per year. This is advantageous when four or more trailers are used with one power unit. If there are less than four trailers per power unit, it is cheaper to attribute some of the weight (46,000 lb) to the power unit for $600 and some of the weight to the trailers (34,000 lb.) for $318 each.

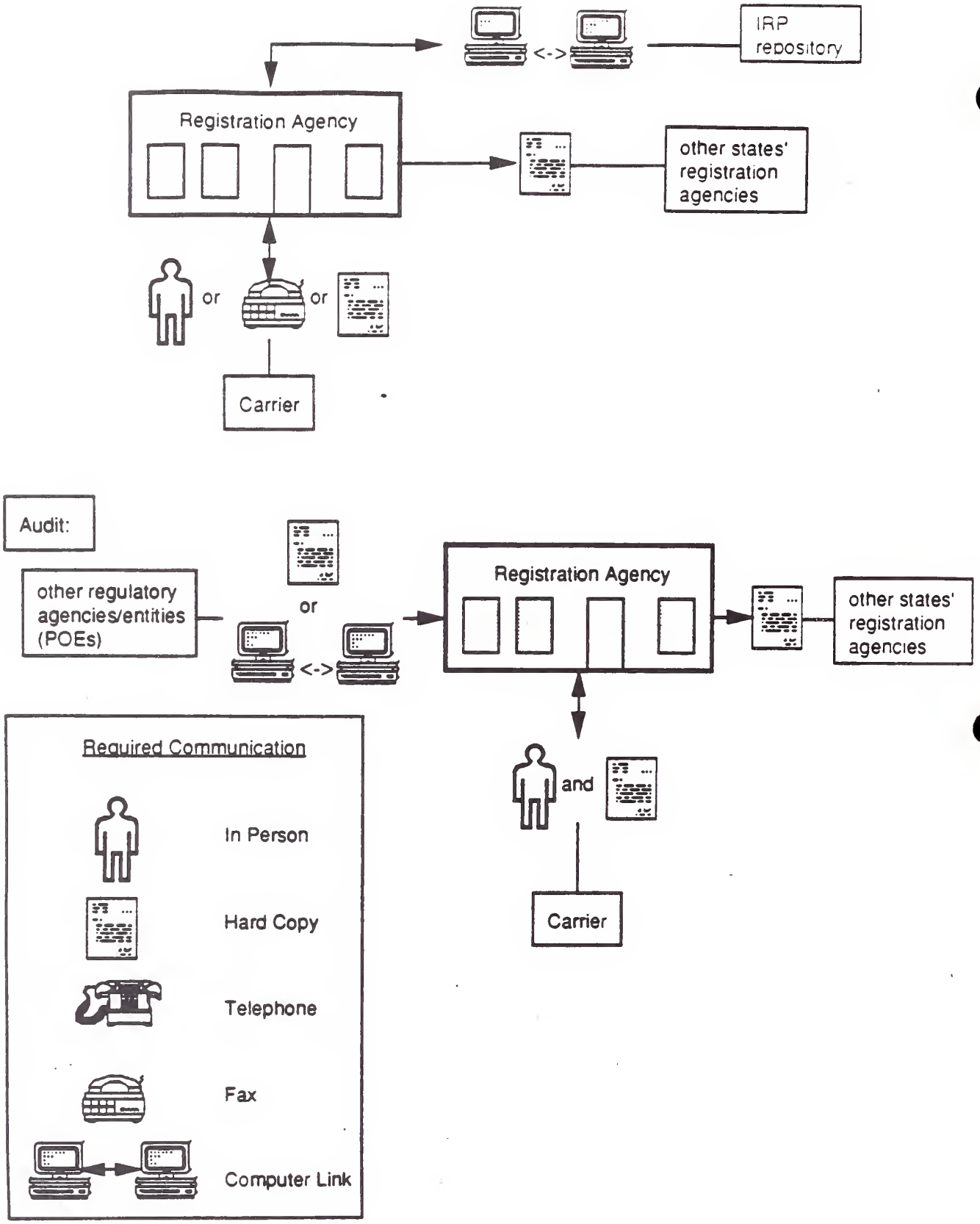


Figure 8. Required Communication for Vehicle Licensing & Registration in Montana

Other states dislike Montana's trailer prorate because it greatly increases their workload. Instead of registering only power units, each state must register their state-based trailers that operate in Montana.

OPERATING AUTHORITY AND INSURANCE

Operating authority is required in Montana for every driver who operates a commercial vehicle for hire and receives compensation for services. The type of operating authority required is dependent on the type of business being conducted (e.g., common, contract, or exempt carrier). Private carriers are not required to obtain operating authority.

The interstate operating authority registration process at the state level is currently undergoing a considerable change. The Intermodal Surface Transportation Efficiency Act (ISTEA) has mandated that state programs become more uniform. This transition, as well as a general description of the process, is described in detail in Appendix C.

Agency Involvement

The Interstate Commerce Commission (ICC) is responsible for granting interstate operating authority. The Montana Public Service Commission (MPSC) is responsible for granting intrastate operating authority and also for registering interstate authority with the state. The United States Department of Transportation is responsible for regulating insurance levels for carriers.

Monitoring the possession of appropriate operating authority is the responsibility of the MPSC. However, only 5 MPSC enforcement officials are available statewide, so the MPSC relies on Motor Carrier Services (MCS) and the Highway Patrol to monitor registration of operating authority and issue citations as needed.

The MPSC monitors operating authority at both the terminal and along the roadside; insurance is monitored by the MPSC office in Helena. If required, the USDOT may also perform roadside or terminal investigations. The Montana Highway Patrol and

Motor Carrier Services are limited to only roadside enforcement through their regular MCSAP duties.

Process Description

To be granted interstate operating authority from the ICC, the applicant must submit a written application, along with proof of adequate liability and property damage insurance and the appropriate fees. The applicant is then issued an ICC identification number, which indicates approval for interstate operation.

Interstate carriers (common and contract; private carriers are exempt from registering) are required to register their ICC interstate authority, permits, and appropriate vehicles with the MPSC. If a driver enters Montana and proof of ICC authority is provided, the interstate carrier (upon first entering the state) is given a 30 day grace period to register interstate authority with the MPSC. Failure to register within 30 days subjects the carrier to a citation for operating without the proper authority. If a carrier is registered in Montana but for some reason is not carrying proof of registration (currently a bingo stamp) the driver can purchase a temporary bingo stamp authorizing operation in the state for a single trip or 72 hours, whichever is shorter.

Currently, the MPSC does not directly verify insurance on interstate carriers. However, insurance is required in order to obtain ICC interstate authority, and proof of ICC authority is required for registration with the MPSC. Starting with the base state registration program in 1994 (described in Appendix C), insurance for interstate carriers will be monitored by the MPSC.

The MPSC maintains current business mailing addresses and business telephone numbers for all intrastate and interstate motor carriers. A carrier's insurance is not checked through the MPSC because Montana assumes that the ICC has already checked for proof of insurance.

The MPSC is only allowed to conduct economic audits; it is not involved in commercial vehicle safety regulation. In addition, the MPSC audits only intrastate

carriers and considers their intrastate movements (it has no authority to revoke ICC operating authority). The function of the MPSC audit is to assess whether intrastate charges were correct. For a contract carrier, the rates are negotiated between the shipper and the carrier by contract. The MPSC is primarily concerned with whether a contract exists and whether appropriate information has been filed with the Commission. The carrier must carry paperwork indicating the contract has been filed with and accepted by the Commission. For owner-operators, the law requires that lease information be carried in the cab, indicating who owns the vehicle and whose operating authority and insurance is being used.

The procedure for obtaining and registering interstate operating authority is outlined in Figure 9.

Required Contact

To grant interstate operating authority, the ICC must contact the carrier either in person or through mail or fax. Some contact may also occur with the carrier's insurance company to verify adequate coverage.

When a carrier registers interstate operating authority with the MPSC, the MPSC must contact the carrier in person, or via mail or fax to obtain the necessary information. The MPSC may also contact the ICC to verify authority and the USDOT to verify insurance.

Figure 10 summarizes the required contact that must take place to both obtain and register interstate operating authority.

Unique Practices of the State

In 1994 the number of carriers registered with Montana will decrease from 10,000 to 2,000; the requirements change from registering all commercial vehicles coming into and out of the state to registering only Montana-based fleets. Currently, Montana does not register ICC exempt commodities (unprocessed food, livestock, logs, grain), but it probably will in 1994.

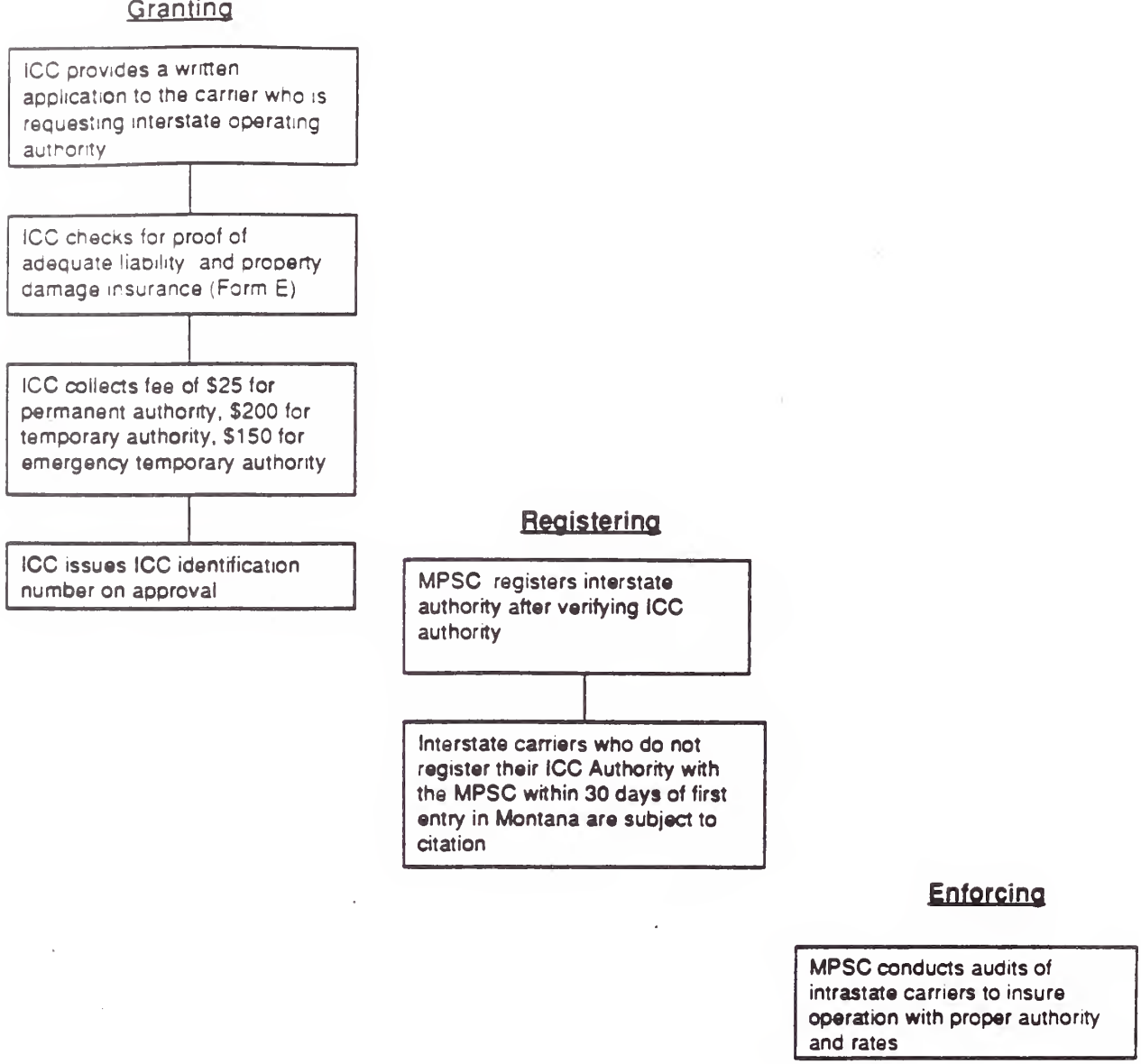
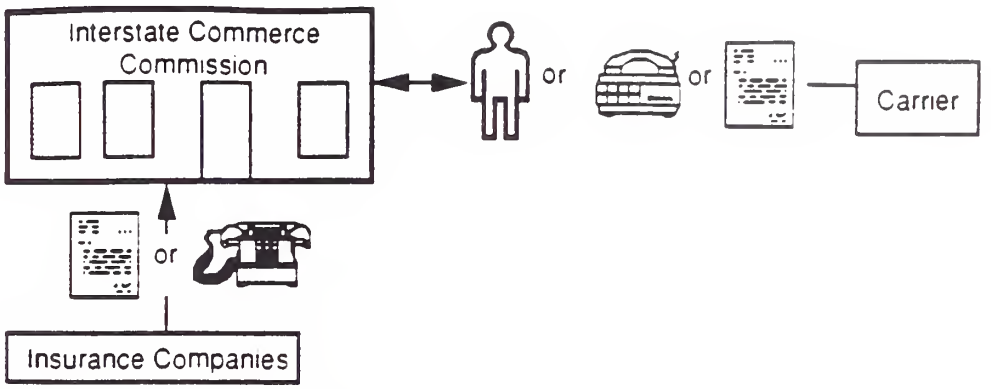
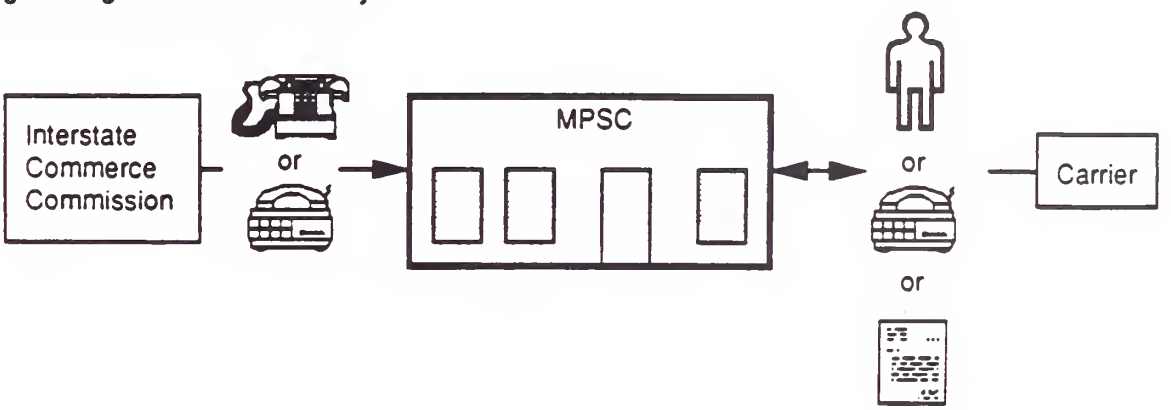


Figure 9. Procedures for Granting Interstate Operating Authority in Montana

Granting Interstate Authority



Registering Interstate Authority



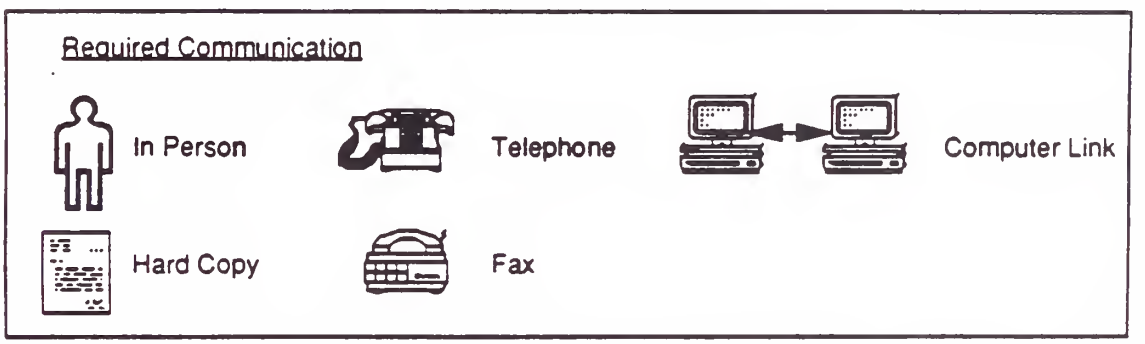


Figure 10. Required Communication for Granting or Registering Interstate Operating Authority in Montana

Even with the decrease in the number of carrier files, the MPSC's workload is expected to increase because of the necessity for filing insurance. This will require the MPSC to monitor suspensions and cancellations.

PERMITS

Permits are issued in Montana for temporary credentials including registration, special fuel, and most commonly, oversize/overweight (OS/OW) status. The OS/OW permit process was established for a number of reasons:

- to protect the public investment in the roadways and structures of the highway system,
- to protect the motoring public from hazards created by the movement of overweight and oversize loads (OS/OW) on the highway,
- to regulate the traffic flow around OS/OW loads to minimize inconvenience to the public,
- to assist haulers and individuals with transportation problems and to resolve them in a reasonable way, and
- to generate revenue and defray some of the costs of maintaining the highway system.

Agency Involvement

Motor Carrier Services (MCS) a division of the Montana Department of Transportation (MDT), is responsible for issuing and maintaining records for temporary registration, temporary special fuel licenses, and OS/OW permits. Permits are available from a number of sources including:

- regional MDT offices (11 statewide) and the main MDT office, Motor Carrier Services Division (all permits);
- weigh stations or ports of entry (all permits);
- permitting agents such as Rust Oil Co., Muralt's Truck Plaza, Tripps Truck Stop, Exxon, and Town Pump (only temporary registration permits and special fuel permits);
- permitting agents such as county sheriff's offices, courthouses, Fossum Ready Mix, Crazy Ernies (all permits);
- national permitting agents such as COMDATA Transceiver Network, TRANSCOM, Cummins Cash and Information Services, and TIC

Financial Services (only temporary registration permits and special fuel permits).

The Montana Highway Patrol and MCS personnel are responsible for monitoring possession of the correct permits.

Process Description

The types of permits available in Montana include (1) temporary registration (in lieu of IRP registration), (2) OS/OW, (3) special fuel, and (4) the Western Regional Permit. These are briefly defined below.

- **Montana Temporary Registration Permits.** Temporary registration or "trip" permits are issued in lieu of either apportioned or full registration (valid for 72 hours or until the driver leaves the state).

- **Oversize/Overweight (OS/OW) Permits.** For loads with greater weight or dimensions than the vehicle is registered for, the motor carrier must obtain an OS/OW permit (for reducible loads of up to 130,000 pounds). For non-reducible loads, overweight permits are sold on a single-trip basis. For reducible combinations between 80,000 and 130,000 lb. (restricted load permits) and for oversize vehicles, permits can be purchased on a per-trip or annual basis. Triple trailers are allowed by permit in Montana.

- **Special Fuel Permits.** If a motor vehicle using a special fuel (any fuel other than gasoline) is brought into Montana for commercial purposes, the operator must purchase a special fuel permit if the driver does not have a valid Montana special fuel user's license (valid for 72 hours or until the driver leaves the state).

- **Western Regional Permit.** The Western Regional Permit (WRP) allows the motor carriers to purchase a single trip permit for vehicles with a moderate oversize or overweight load. This permit is valid in any of the six participating western states, and can be obtained only from the MCS main office in Helena.

As seen in Figure 11, the basic oversize/overweight permit process consists of collecting information from the applicant, providing the applicant with information (i.e., route), collecting fees, issuing the permit(s), and monitoring possession of the permit on the road.

For regional trip permits (WRP), the issuing state collects all of the money. The permit costs for each state are totaled, and the total bill is presented to the trucker (no prorating is done for these permits). On a monthly basis, the issuing state(s) send the respective permit fees that were collected to the other participating states.

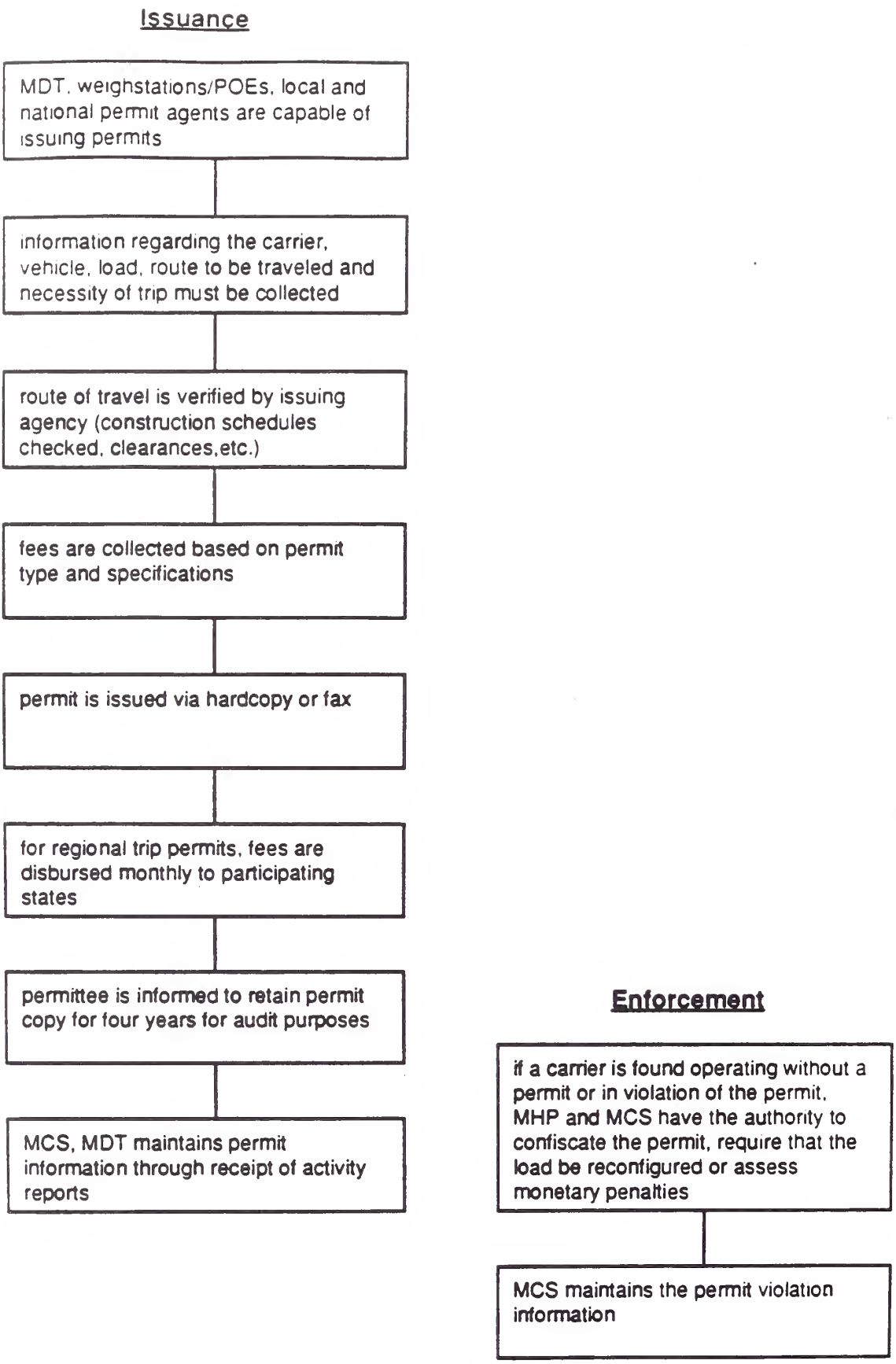


Figure 11. Procedures for Issuing Oversize/Overweight Permits in Montana

Required Contact

The lead permit agency, in this case the Motor Carrier Services Division of MDT, must have contact with the carrier through mail, telephone, fax, or in person to obtain necessary information, provide necessary information, and collect fees. Permits may be issued either as a hard copy (in person or by mail) or fax. For oversize/overweight loads, the lead permit agency must have access to information regarding (1) recent construction that may have altered clearances, (2) construction in progress that may not allow the load, (3) temporary load limitations on roadways due to spring/thaw conditions, or (4) any other information that may prevent undue damage to the infrastructure.

In addition, the lead permit agency must have contact with the contracted permit agents to ensure that adequate permit records are maintained. Permit information is exchanged either through hard copy or fax (see Figure 12).

TAX COLLECTION

Taxes are calculated and collected on all motor vehicles, trailers, and semitrailers in Montana. More specifically, these taxes include (1) the International Fuel Tax, (2) Sales/Property Tax, (3) Special Fuel Tax, (4) Federal Motor Vehicle Excise Tax, and (5) Federal Heavy Vehicle Use Tax. The International Fuel Tax Agreement, a federally mandated program, is described in more detail in Appendix C. Other fees such as registration and GVW fees are discussed in a previous section.

Agency Involvement

The Motor Carrier Services (MCS) Division and the Accounting Services Bureau (ASB) of the Administration Division of the Montana Department of Transportation are responsible for defining, collecting, monitoring, and auditing taxes for interstate commercial vehicles in Montana.

If notified that a carrier is delinquent in its taxes, Montana Highway Patrol and MCS personnel can watch for a specific carrier. Roadside enforcement authority is held

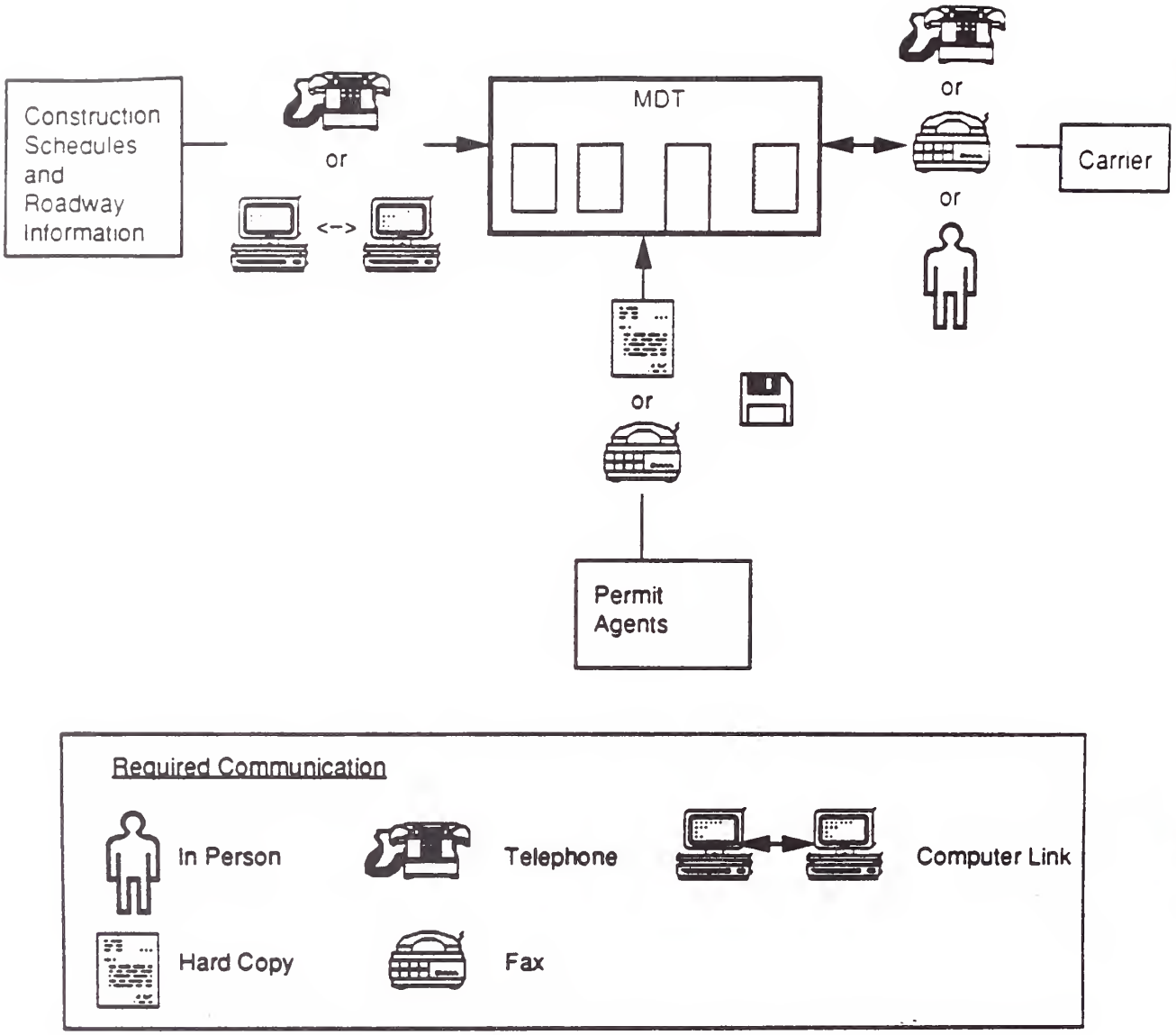


Figure 12. Required Communication for Oversize/Overweight Permitting in Montana

by the MHP officers and MCS personnel, while the ASB has authority to conduct terminal audits to ensure that proper tax amount are being collected.

Process Description

The commercial vehicle taxes that are collected in Montana are briefly defined below.

- **International Fuel Tax Agreement (IFTA).** The International Fuel Tax Agreement allows interstate carriers to pay their fuel use taxes to a single base state. This base state regularly disburses moneys owed to respective states on the basis of fuel type and amount purchased.

- **Special Fuel Tax.** A special fuel tax is paid to Montana by intrastate commercial vehicle drivers and by interstate drivers who are based in states that are not a member of the International Fuel Tax Agreement.

- **Sales Tax/Property Tax.** Motor vehicles (not trailers) are charged a sales tax or a "new vehicle use tax" upon registering. The next year, the sales tax is replaced by a property tax based on depreciating value. Trailers are never charged sales tax, but they are assessed a property tax for the first year and every year thereafter.

- **Federal Motor Vehicle Excise Tax.** A federal excise tax of 12% is imposed on the first retail sale of all trucks weighing over 33,000 lb., all trailers weighing over 26,000 lb., and all tractors used to pull trailers or semitrailers for highway transportation.

- **Federal Heavy Vehicle Use Tax (FHVUT).** Federal law requires proof of payment of the FHVUT when vehicles with 55,000 lb. or more gross weight or combined gross weight are licensed.

The basic procedure for collecting IFTA, special fuel, and sales/property taxes can be summarized in three steps: (1) the ASB issues tax report forms to carriers (by mail); the forms are completed and returned, (2) fees are collected and disbursed (if from a proratable tax such as IFTA), and (3) transactions are recorded and monitored to minimize delinquencies. The process description is shown in Figure 13. The Federal Motor Vehicle Excise Tax and the FHVUT are imposed by IRS, but collection of the FHVUT is monitored by the MCS for interstate vehicles, since such payment is required for registration. Individual counties monitor collection of the Federal Motor Vehicle Excise Tax, which is paid to truck dealers at the time of sale.

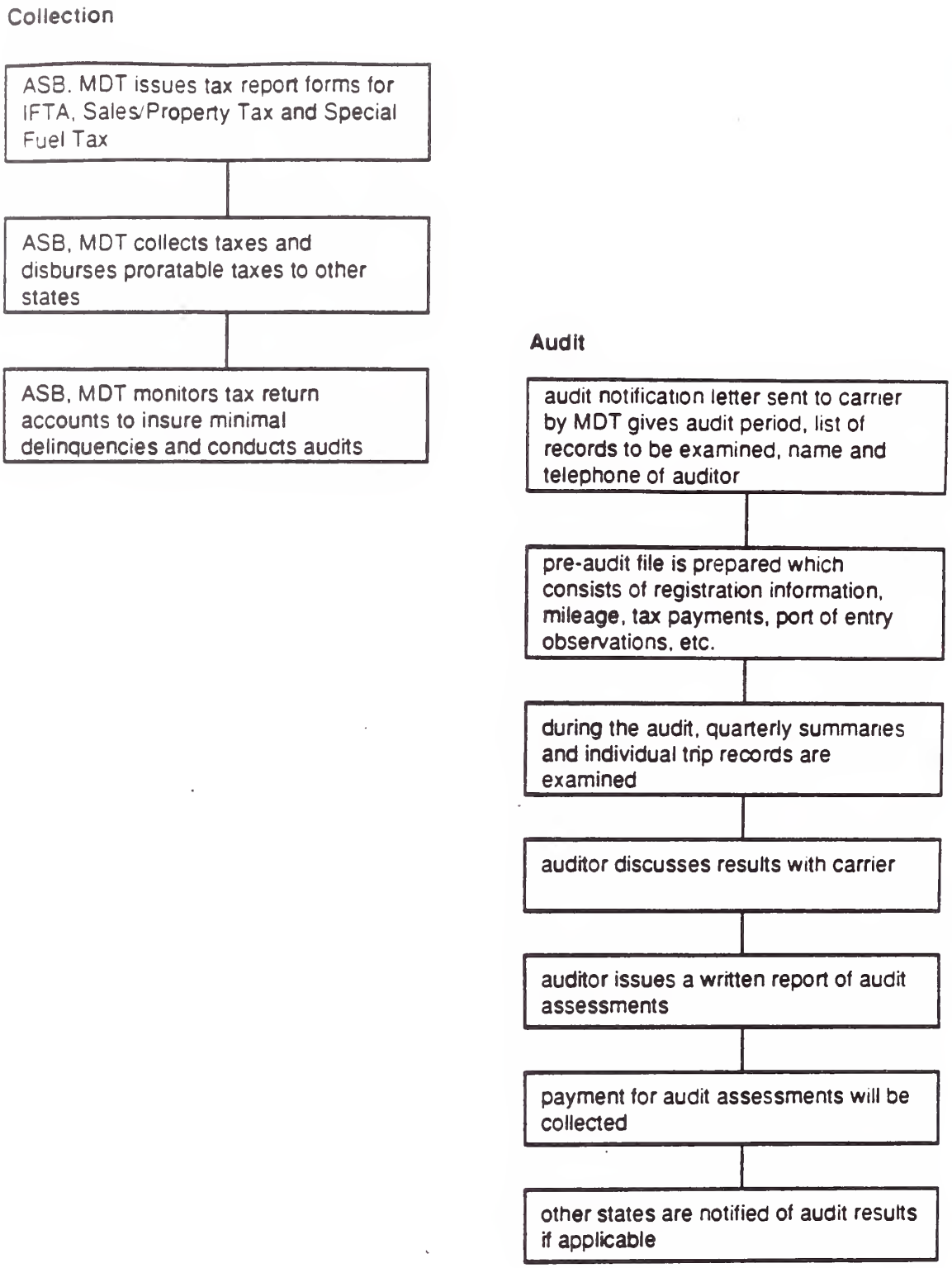


Figure 13. Procedures for Tax Collection in Montana

If a problem is noted with one of the accounts, an audit may be required. IFTA audits are required for 15 percent of carriers every five years. All other accounts are subject to an audit every three years. Carriers are usually selected for audit randomly, but with some stratification according to carrier size. Often, tips help in the audit selection process. Audit selection also relies on tips from tax report reviewers, complaints from other carriers, communication with the IRS, communication between states, or indicators such as bad checks or bankruptcy.

In addition to audit control, a task force has been created to stop fuel tax evasion. Oregon is the lead state, while Alaska, Washington, Idaho, and Montana each participate in this FHWA-sponsored program. Effort is underway to better track the movement of fuel from terminals to suppliers, by investigating fuel carriers, special fuel dealers, and oil companies.

Required Contact

During the tax collection process, the ASB contacts the carrier through hard copy (in person or by mail) or fax to (1) provide the carrier with the required tax forms and (2) receive payment for the taxes. If the taxes are proratable (such as property taxes or fuel taxes through IFTA), ASB disburses tax moneys owed to the participating states and to collect moneys owed to Montana. Presently, this multi-state transaction occurs via hard copy (mail), but some states foresee using electronic funds transfer (see Figure 14).

During the audit process, ASB contacts the carrier to notify it of the audit in writing and to examine records maintained by the carrier. Before the audit, auditors contact ports of entry (by hard copy) and other regulatory agencies such as registration (hard copy or computer link) to collect information that assist in verification of the carrier's records. After the audit, other affected states are notified in writing of the results.

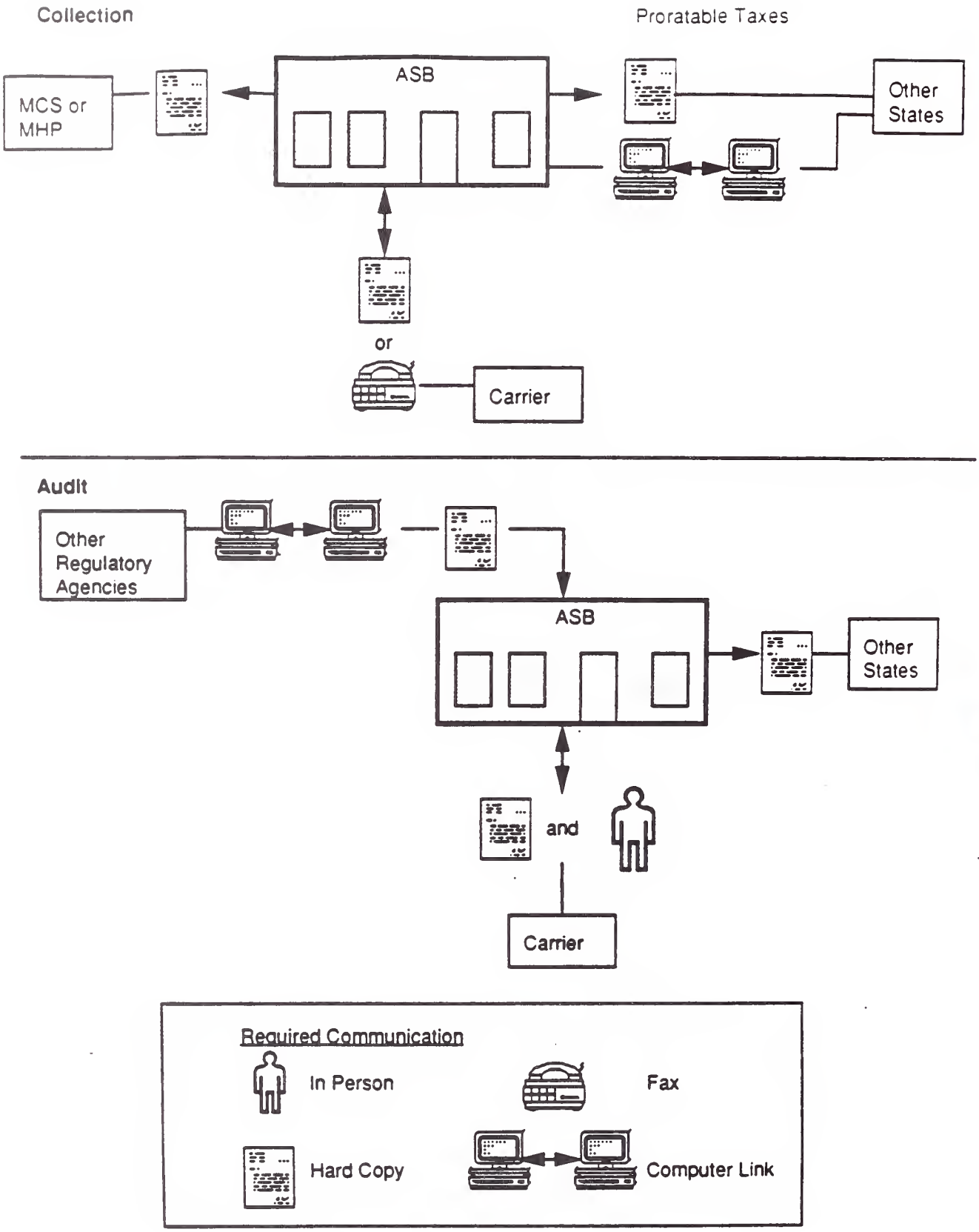


Figure 14. Required Communication for Tax Collection and Audit in Montana

Unique Practices of the State

Tax reform is anticipated in Montana. Presently, Montana property tax moneys (collected on both power units and trailers) are designated for the counties, while sales taxes (collected only on power units) go to the MDT. The only way to collect property taxes on the trailers is to register the trailer in the same way that a power unit is registered. Because of the International Registration Plan this practice places a tremendous burden not only on the Montana agency responsible for vehicle registration but on other states as well. Montana is working to eliminate the trailer exception.

WEIGHT AND SIZE REGULATION

The weight and size of commercial vehicles must be regulated and enforced to (1) avoid unnecessary damage to roadway structures cause by overweight and overheight loads and (2) assure that the safety of the road environment is not compromised by loads that occupy an unsafe proportion of the lane. The weight and size requirements for Montana are given in Table 3.

Agency Involvement

The major part of weight and size enforcement takes place at Montana's ports of entry (POEs) or weigh stations. Twenty seven POEs are regularly manned, and five others are manned sporadically. These weigh stations and POEs are run by the Montana Department of Transportation Motor Carrier Services (MCS) Division.

Size and weight enforcement of commercial vehicles on state highways (and other jurisdictions when requested) is the responsibility of MCS and Montana Highway Patrol (MHP) personnel.

Process Description

Commercial vehicle weight and size enforcement tasks are shown in Figure 15. When the POEs are open, all trucks over 8,000 pounds are required to stop. As the truck proceeds through the port, the truck length and load are visually measured, and it is accurately weighed. If there is a question about either the vehicle's size or weight, the

Table 3. Vehicle Weight and Size Requirements for Montana

Height	14 ft
Width	8 ft, 6 in
Single Unit Length	45 ft
Truck-Trailer Length	75 ft
Tractor-Semitrailer Overall Length Trailer Length King Pin Distance	 -- 53 ft --
Tractor-Semitrailer (Doubles) Overall Length Combined Trailer Length Individual Trailer Length	 -- -- 28'6"
Weights/Inch of Tire Width Steering Axle Other Axles	 exempt 600 lb/in
Axle Weights Steering Axle single Axle Tandem Axle	 20,000lb[1] 20,000lb[1] 34,000lb[1]
Gross Weight	80,000/ 130,000lb[2]

[1]Not to exceed rating of tire manufaturer
[2]Maximum weight with permit, in accordance with Federal Bridge Formula

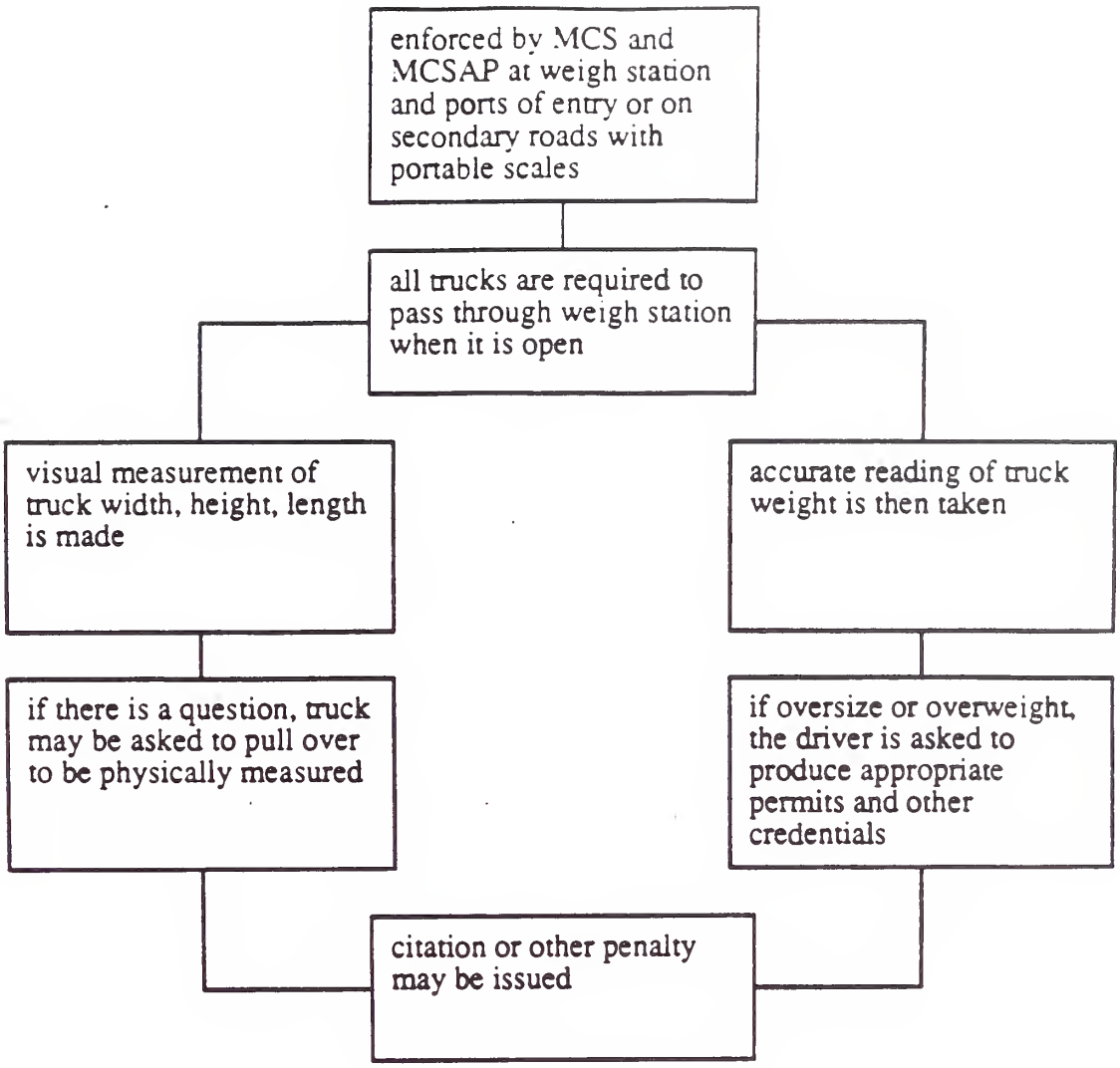


Figure 15. Procedures for Enforcing Weight and Size Regulations in Montana

driver is asked to pull off to the side, produce credentials, and allow the vehicle to be more thoroughly measured.

If a citation is issued to a commercial vehicle driver for carrying a load that is either overweight or oversized, the driver must pay the fines to the local court system. If the driver fails to pay the fine(s), a failure to appear (FTA) warrant is issued to the driver. FTAs appear on the driver's record, and may jeopardize the driver's CDL status.

Required Contact

Both MCS and MHP personnel, as part of their enforcement duties, must have direct contact with the driver of the vehicle to request credentials or other information. The MHP must also have contact, usually through radio dispatch, with the national crime or information networks, such as CDLIS, NDR, or NCIC.

As a secondary duty, the enforcement officer may be requested to watch for a particular carrier or driver who is in violation of another regulatory agency's rules (i.e., delinquent taxes, expired registration, suspended CDL).

A chart showing the type of required contact is shown in Figure 16.

SAFETY REGULATION

For the most part, safety regulations nationwide are dictated by the Federal Motor Carrier Safety Regulations (FMCSR) and are administered through the Motor Carrier Safety Assistance Program (MCSAP). Because the MCSAP program is uniform nationwide, further details are contained in Appendix C.

Agency Involvement

In Montana, MCSAP is led by the Montana Highway Patrol, and is assisted by the Motor Carrier Services (MCS) Division of the Montana Department of Transportation. MCSAP inspectors within the state of Montana include

- MCSAP officers (civilian MHP employees) capable of performing roadside inspections (8),
- MCS personnel capable of performing roadside inspections (80),

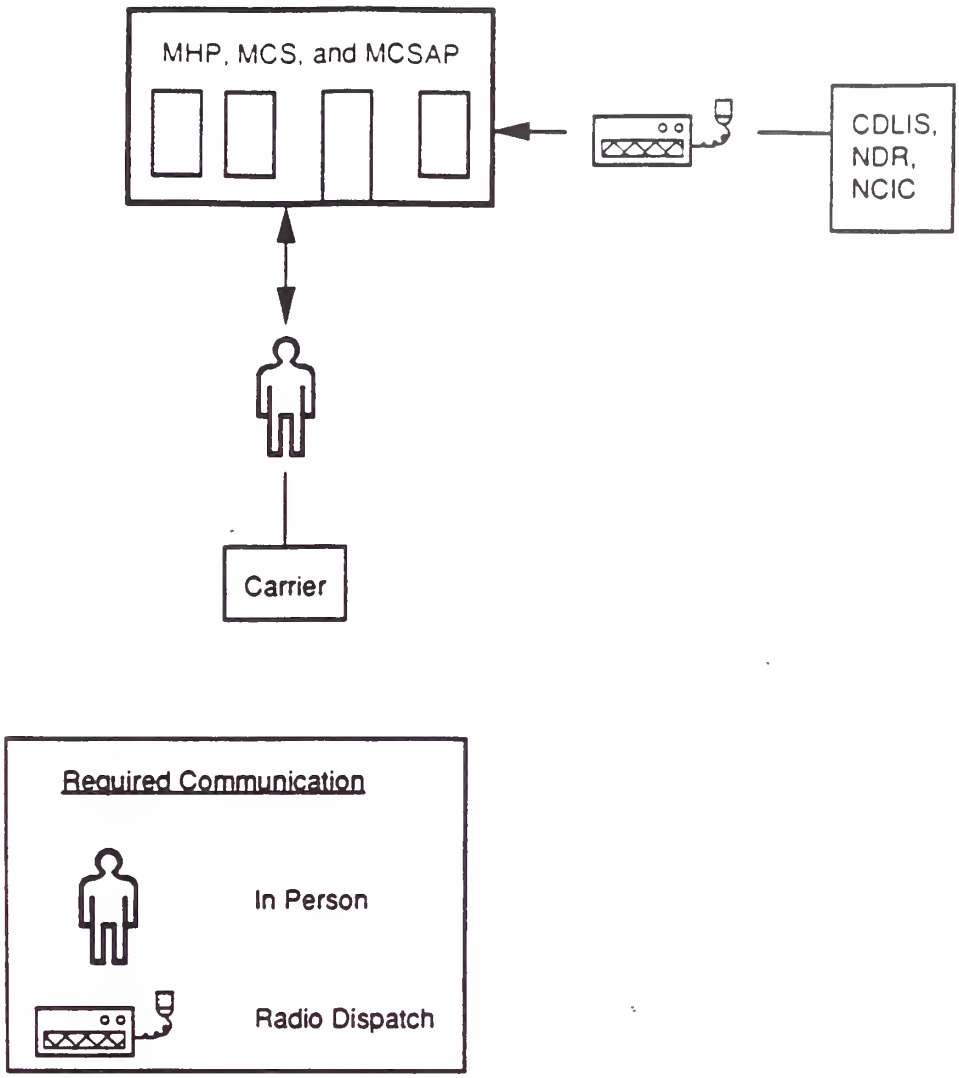


Figure 16. Required Communication for Weight and Size Enforcement in Montana

- MHP officers (uniformed, weapon carrying, and not dedicated to MCSAP) capable of performing roadside and terminal inspections (60 to 70), and
- FHWA Office of Motor Carriers inspectors who oversee MCSAP operations and perform compliance reviews.

A goal in Montana is to adequately train employees so that every POE/scale operator is certified by the Commercial Vehicle Safety Alliance (CVSA) and capable of conducting the MCSAP inspections.

Process Description

At roadside inspection points, vehicles without valid CVSA stickers are usually selected, unless an obvious defect is noted. The MHP or MCS inspectors perform a CVSA inspection according to the standard North American Out-of-Service Criteria. Details of the different inspection levels are given in Appendix C. A full inspection includes scrutiny of critical vehicle components, load securement, and driver condition. Additional inspection procedures are used if the cargo includes hazardous materials. If a discrepancy is found, the driver may receive a citation and/or the vehicle may be declared out-of-service or impounded. The process of safety enforcement in Montana has been summarized in Figure 17.

After a MCSAP inspection, the driver turns in a copy of the inspection form to his or her company. A company representative, after signing it, returns the copy to the Highway Patrol office in Helena. If the inspection form is not returned, a letter indicating delinquency is sent to the company requesting that it be returned and signed. The Highway Patrol then verifies the incoming inspection form copy and sends a hard copy to the Highway Patrol Safety Division. This process takes place even if no defects were found.

In addition to roadside inspections, safety audits must be conducted to ensure that the motor carrier is taking action to correct identified safety violations. These safety audits take the form of safety reviews and compliance reviews.

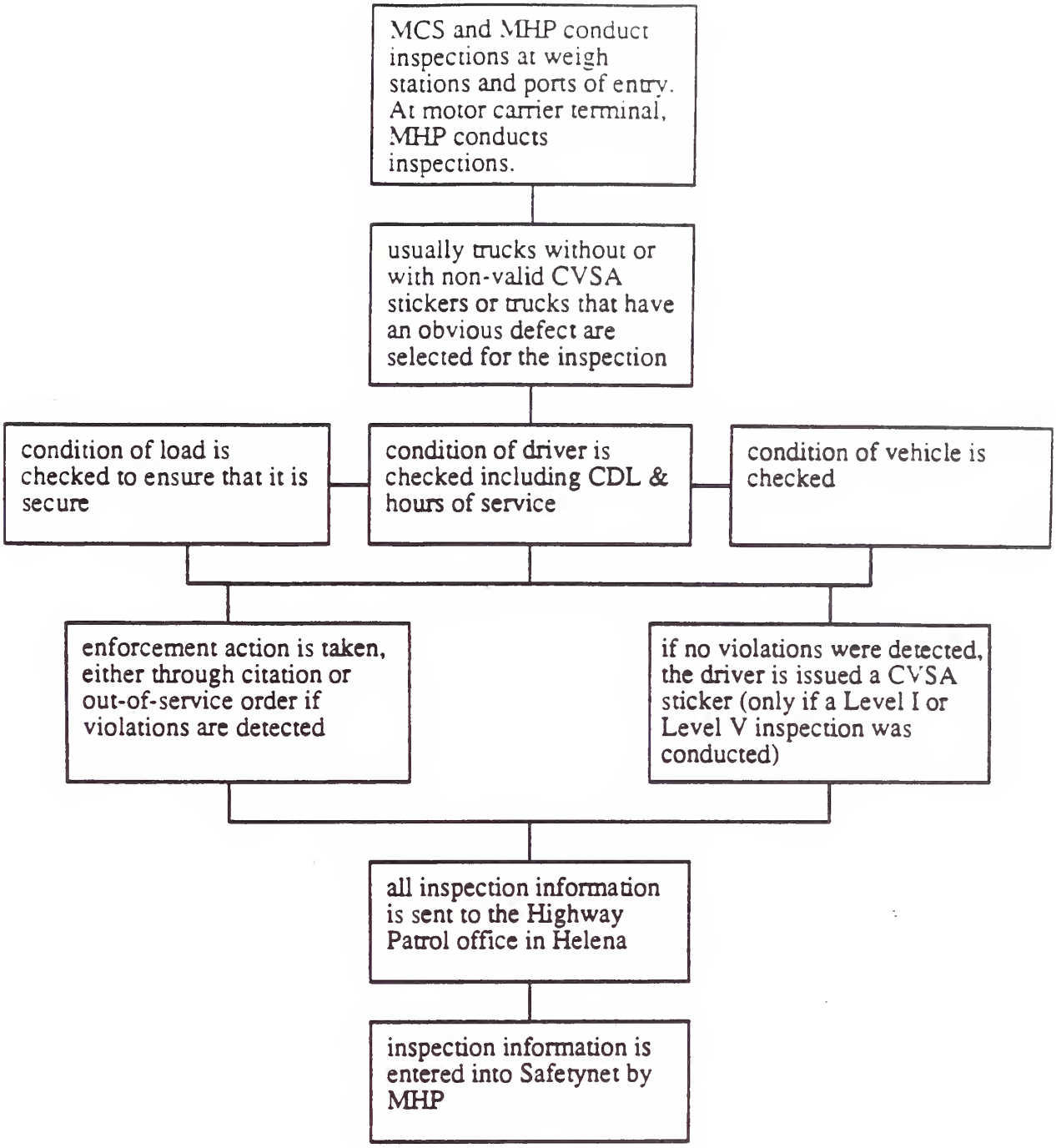


Figure 17. Procedures for Conducting Safety Inspections in Montana

The safety review, in nearly all cases, precedes the compliance review. In a safety review, compliance with Federal Motor Carrier Safety Regulations is reviewed to include required insurance amounts, driver qualification, controlled substance testing records, hours of service, vehicle maintenance, number of accidents, and proper reporting of accidents. A rating (satisfactory, conditional or unsatisfactory) is given on the basis of the carrier's records. If a carrier is rated conditional or unsatisfactory, penalties are not issued unless the carrier has inadequate insurance or a serious health or safety violation is discovered. Instead, the carrier is allowed time to improve their compliance. If, upon a return visit, the carrier has made no visible attempt to improve the safety level of the operation, a compliance review is required. A shutdown order, as well as civil and monetary penalties can be issued for an unsatisfactory compliance review.

The MHP, through MCSAP, performs no safety reviews on intrastate carriers; no mechanism exists yet. However, MCSAP inspectors do audit interstate carriers. In Montana, compliance reviews are performed only by FHWA Office of Motor Carriers personnel.

A summary of the Safety/Compliance review process is shown in Figure 18.

Required Contact

For a safety inspection to be considered complete, the following contacts must be made:

- the driver is talked to observe his or her condition and to collect further information;
- via radio dispatch, driver background may be checked through the Commercial Driver License Information System (CDLIS), National Drivers Register (NDR), or National Crime Information Center (NCIC);
- inspection data are uploaded via computer link to the Safetynet network; and
- hard copies of the inspection citations are sent to the local courts.

Safety and compliance reviews require that the auditing agency (MHP or FHWA) be in contact with (1) the carrier, both to notify it of the audit and to exchange

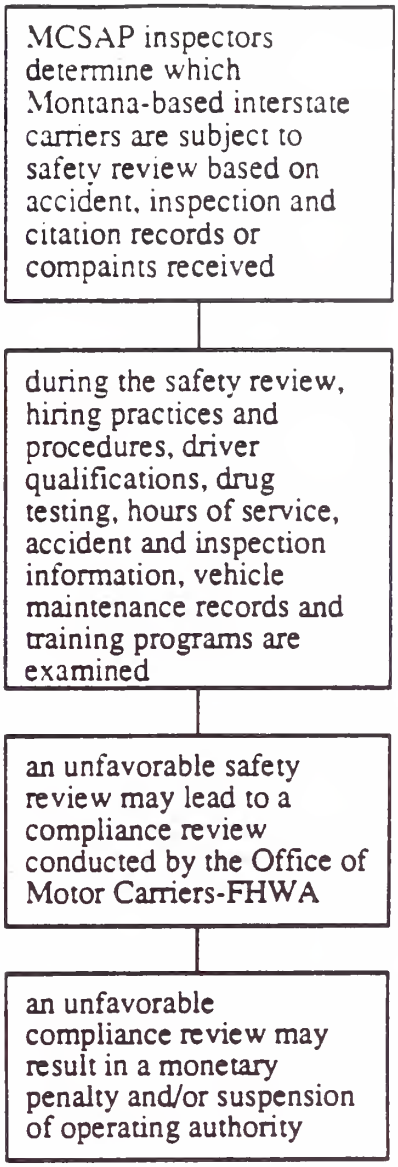


Figure 18. Procedures for Conducting Safety/ Compliance Reviews in Montana

information, and (2) other regulatory agencies that have safety related information about that carrier to verify the carrier's records. The auditing agency may be contacted by other regulatory agencies that detect a problem with a specific carrier, or other motor carriers or motorists may file a complaint that requires further action (including an audit).

A chart showing the type of required contact is shown in Figure 19.

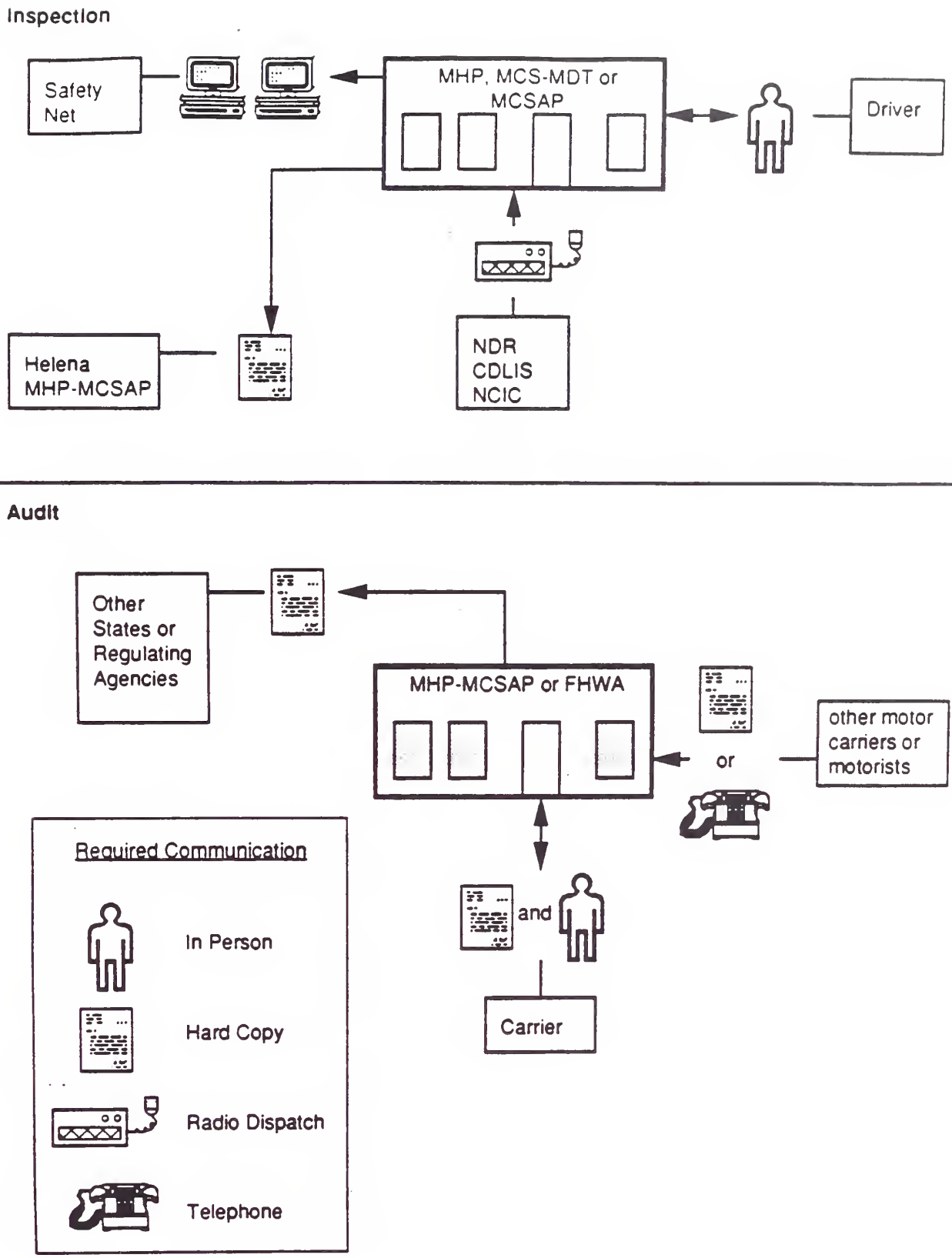


Figure 19. Required Communication for Safety Inspection and Audit in Montana

The network of data sharing, transfer, and storage is extensive and quite complex. Data are stored on a variety of media and transmitted by a host of methods. For example, data are often stored in computer files on tape or disk, or in hard copy format in filing cabinets. Data can be shared by network connections, direct (hard wire) computer links or modem connections, shipment of computer tapes or disks, or by hard copy through fax, mail, or hand courier.

To understand more completely how each of the commercial vehicle functions are carried out in each state, it is important to examine (1) the existing level of automation in the state, (2) how and between whom information is shared, and (3) the systems in place or under consideration in the state. Each of these subjects are discussed below.

LEVEL OF AUTOMATION

The degree of automation a state operates under can provide insight into the importance the state places on the use of technology for streamlining procedures and the state's receptiveness to technological advances. Montana's level of automation was examined for three functional areas:

- the collection of information,
- the processing of information, and
- the maintenance or updating of information.

The level of automation in Montana is shown in Table 4.

The highest level of automation (full circle) implies that little or no personal contact needs to occur for the collection, processing, or maintenance of information. A lower level of automation (half circle) implies that the function requires some personal contact but is handled mainly through electronic means (i.e., by fax, telephone, batch files, etc.). The lowest level of automation (empty circle) implies that little or no electronic means are used to accomplish the task.

Table 4. Level of Automation in Montana

CVO Functions	Data Stored or System (SYS) or Stand Alone (SA)	Level of Automation			Comments
		Data Entry	Processing	Updates	
CDL	SYS[1]	O	◗	O	1. Link exists but no data is currently being shared
Vehicle licensing & registration	SYS	◗	◗	◗	
Operating authority-registering	SYS	◗	◗	◗	
Operating authority-granting	SYS	◗	●	◗	
Permits	SYS	◗	◗	◗	
Tax collection	SYS	◗	◗	◗	
Weight & size enforcement	SYS		O	◗	
Safety enforcement inspections	SYS		O	◗	
Safety enforcement- audits	SA		◗	◗	

● Fully Automated ◗ Partially Automated O Manual

As seen in Table 4, the majority of functional areas in commercial vehicle operations are somewhat automated (half circle). This means that electronic methods are used to a great extent, but personal contact is still required to complete the task. In some instances, such as the issuance of a CDL or the regulation of safety, no electronic means are used. However, that does not imply a lack of technological motivation on the part of the state. Certain functional processes, such as issuing a CDL or enforcing safety, require direct, personal contact with drivers to ensure that they have adequate skills or that they are fit to operate the vehicle.

DATA SHARING

In addition to examining the level of automation within each state, it is important to identify how and between whom information is transferred. As seen in Table 5, data sharing occurs at three levels:

1. between departments or offices within the same agency,
2. between agencies within the same state, and
3. between agencies from different states or between federal agencies and state agencies.

At an interdepartmental level, the majority of the communication occurs between the department/office responsible for issuing or maintaining commercial vehicle credentials and the department/office responsible for enforcing the possession of the credential. In this way, a problem that is noted during the issuance process can be tracked and enforced if the vehicle and driver are in the road environment. The reverse is also true. If a problem is detected in the field, information can be provided to the department responsible for issuance.

Interagency communication usually occurs if multiple agencies are responsible for the same or similar tasks. In this case, communication must occur to avoid duplicating the others' work. Interagency communication often also occurs between an enforcing agency such as the Highway Patrol and a variety of regulatory agencies. Enforcement

Table 5. Level of Data Sharing in Montana

CVO Functions	Data Sharing			Comments
	Interdepartmental	Interagency	Interstate	
CDL	MDJ-MHP	1 MDT-MDJ MDJ-multiple agencies MDJ-MCS, POE	MDT-CDCIS MDJ-NDR & MHP-NCIC	1. Link exists but no data is currently being shared 2. Other agencies use for tracking delinquent fees
Vehicle licensing & registration	MCS-Administration	1 MDT-MDJ	& MHP-NCIC MCS-other states	1. Link exists but no data is currently being shared
Operating authority-registration	1 MPSC-enforcement	1 MPSC-MCS MHP-POEs		1. List of canceled suspended, revoked authorities is distributed to enforcement officials
Permits	1 Agents-MCS	1 Agents-MCS		1. Hard copy permits return to MCS for record keeping

(continued on next page)

Table 5. Level of Data Sharing in Montana (continued)

CVO Functions	Data Sharing			Comments
	Interdepartmental	Interagency	Interstate	
Tax collection	1 MCS-Admin.		2 MCS-other states	1. Link required between collecting agency and accounting agency to maintain revenue balance 2. For proratable taxes (IFTA)
Weight & size enforcement				
Safety enforcement inspections	1 HTS-MCS	1 MHP-HTS, MDT	MHP-Safetynet MHP-FARS	1. Statistical information is gathered by HTS from multiple agencies and then made available to them upon completion of analysis
Safety enforcement-audits	1 HTS-MCS	1 MHP-HTS MDT		1. Statistical information is gathered by HTS from multiple agencies and then made available to them upon completion of analysis

Required Communication

Hard copy Computer Link Telephone Radio Dispatch

officials are responsible for checking for a number of credentials when a driver is stopped. They must therefore maintain communication with the agencies responsible for issuing and maintaining information about these credentials.

At an interstate level, most communication takes place between states and existing national databases to both retrieve information and update information. Communication also occurs as part of the base-state programs, such as IRP and IFTA, for the transfer of funds between states and the exchange of quarterly reports.

DATABASE INFORMATION

Besides considering *what* communication take place, it is important to know *how* this communication takes place. A number of databases exist both within each state and nationally. A description of the existing databases within Montana and nationally are given in Tables 6 and 7, respectively.

All of the state-level databases are operational. However, this does not necessarily mean that the process is operating as efficiently as possible. Oftentimes, a database may be operational and utilized, but the system could be improved.

All of the state-level databases are on a mainframe system, implying that a link between the databases within the state may someday be possible.

At a national level, three database pilot programs are underway:

- Problem Driver Pointer System,
- Insurance, and
- Vehicle Registration.

Other national databases are operational, with no immediate plans to alter their operation.

The majority of national databases in operation, as well as the three pilot programs, are accessed through the AAMVA network. Databases containing crime or accident information are accessed through different networks.

Table 6. Montana Database Information

Agency	Database & Application	System Name	System Type	Status of Deployment				Comments
				Incorporated into Planning	Pilot Project	Under Implementation	Operational	
MDT	Motor fuels • IFTA, Special fuels • Fuel taxes, interest, penalties	SBAS IDMS in COBOL & ADS/ on-line	Mainframe IBM 3090	○	○	○	●	Considering changing to Vista
	IRP • Fleet registration • Mileage history/predictions • Collections • Disbursements	VSAM CICS OL/1	Mainframe IBM 3090	○	○	○	●	Considering changing to Vista or Covers system
	GVW • Fleet registration • Mileage history/predictions • Collections	VSAM CICS	Mainframe IBM 3090	○	○	○	●	
	Summons • Permit issuance • Permit violations • Weight & size violations	Oracle VAX	Mainframe IBM 3090	○	○	○	●	
	HIS • Accident records • Traffic court information • Road information	VSAM	Mainframe IBM 3090	○	○	○	●	
MDJ	Driver control systems • Driver license status • Driver information		Mainframe					
MPSC	Operating authority • Carrier information • Status of authority	SAS	Mainframe	○	○	○	●	
MDHES	Hazardous Waste • Hazardous waste permit info.		Mainframe	○	○	○	●	

Table 7. National Databases Information

Agency	Database & Application	System Name	System Type	Status of Deployment				Comments
				Incorporated into Planning	Pilot Project	Under Implementation	Operational	
AAMVA	CDLIS • Commercial driver information • CDL status	AAMVANET	Mainframe	○	○	○	●	
	NDR • CDL violator information	AAMVANET	Mainframe	○	○	○	●	
	PDPS • Problem driver information	AAMVANET	Mainframe	○	●	○	○	
	Vehicle Registration • Vehicle registration information	AAMVANET	Mainframe	○	●	○	○	
NCSTS	Insurance • Status of vehicle insurance		Mainframe	○	●	○	○	
FHWA	Safetynet • Accident information • Vehicle inspection information • CVSA	Safetynet	Mainframe	○	○	○	●	States are only allowed to upload information
USDOT	FARS • Accident information		Mainframe	○	○	○	●	
FBI	NCIC • Criminal offense, warrants • Violator information	NLET	Mainframe	○	○	○	●	
EPA	RCRIS • Hazardous waste transport information		Mainframe	○	○	○	●	

FUTURE SYSTEMS

The Motor Carrier Services Division of the Montana Department of Transportation is considering changing to a VISTA, COVERS, or similar system.

In addition to the acquisition of a new computer system, Montana plans to have PCs in every weigh station. Port of entry attendants will be able to access a variety of information from multiple agencies. The computerization will also allow measurement and recording of axle weights and spacing. Eventually, all weigh stations will be capable of dialing Helena for data transfer. However, a small number of hard copies (permits, etc.) will always have to be maintained (small private permit-issuing agents may not feel a computer is worthwhile).

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APPENDIX A

LIST OF ACRONYMS

APPENDIX A

LIST OF ACRONYMS

AAMVA	American Association of Motor Vehicle Administrators
AAMVANET	American Association of Motor Vehicle Administrators Network
AASHTO	American Association of State Highway and Transportation Officials
ACS	Automatic Clearance Sensing
ASB	Administrative Services Bureau (Administration Division of MDT)
ASD	Administrative Services Division (Administration Division of WTD)
ATA	American Trucking Associations
ATIS	Advanced Traveler Information Systems
AGC	Associated General Contractors
AVC	Automatic Vehicle Classification
AVI	Automatic Vehicle Identification
AVL	Automatic Vehicle Location
CDL	Commercial Driver's License
CDLIS	Commercial Drivers License Information System
CMVSA	Commercial Motor Vehicle Safety Act
CVEO	Commercial Vehicle Enforcement Officer
CVO	Commercial Vehicle Operations
CVSA	Commercial Vehicle Safety Alliance
DCS	Driver Control System
DMV	Driver and Motor Vehicle Services (Division of ODOT)
DOC	Division of Corporations (Division of UDC)
DPU	Division of Public Utilities (Division of UDC)
DS	Driver Services (Division of ITD)
EBL	Electronic Placarding/Bill of Lading

EDI	Electronic Data Interchange
EFT	Electronic Funds Transfer (Automatic Payments and Collections)
EIN	Employee Identification Number
ETA	Emergency Temporary Operating Authority
ETTM	Electronic Toll and Traffic Management
FARS	Fatal Accident Reporting System
FEIN	Federal Employer Identification Number
FHVUT	Federal Heavy Vehicle Use Tax
FHWA	Federal Highway Administration
FMCSR	Federal Motor Carrier Safety Regulations
FTA	Failure to Appear (warrant)
FTE	Full Time Employee
GCWR	Gross Combined Weight Rating
GVW	Gross Vehicle Weight
GVWR	Gross Vehicle Weight Rating
HELP	Heavy Vehicle Electronic License Plate
HIS	Highway Information System
ICC	Interstate Commerce Commission
IDLE	Idaho Department of Law Enforcement
IFTA	International Fuel Tax Agreement
ILET	Idaho Law Enforcement Telecommunications System
IMCAC	Idaho Motor Carriers Advisory Committee
IMTA	Idaho Motor Transport Association
IPUC	Idaho Public Utilities Commission
IRP	International Registration Plan
IRS	Internal Revenue Service
ISP	Idaho State Police

ISTEA	Intermodal Surface Transportation Efficiency Act
ITC	Idaho Tax Commission
ITD	Idaho Transportation Department
IVHS	Intelligent Vehicle Highway Systems
LAMP	Licensing Application Migration Project
LCV	Longer Combination Vehicle
MCB	Motor Carrier Bureau (Division of NDMV)
MCS	Motor Carrier Services (Division of MDOT, ODOT, OPUC, UTC)
MCSAP	Motor Carrier Safety Assistance Program
MDHES	Montana Department of Health and Environmental Service
MDJ	Montana Department of Justice
MDT	Montana Department of Transportation
MHP	Montana Highway Patrol (Division of MDJ)
MHTS	Montana Highway Traffic Safety (Division of MDT)
MMCA	Montana Motor Carriers Association
MPSC	Montana Public Service Commission
MVA	Motor Vehicle Accounting (Division of ITD)
MVD	Motor Vehicle Division (Division of MDJ, UTC)
NARUC	National Association of Regulatory Utility Commissioners
NCR	National Cash Register
NCIC	National Crime Information Center
NCSTS	National Conference of State Transportation Specialists
NDMV	Nevada Department of Motor Vehicles
NDOT	Nevada Department of Transportation
NDR	National Driver Register
NGA	National Governor's Association
NHP	Nevada Highway Patrol (a division of NDMV)

NHTSA	National Highway Traffic Safety Administration
NLET	National Law Enforcement Telecommunication System
NMTA	Nevada Motor Transport Association
NPSC	Nevada Public Service Commission
NPTC	National Private Truck Council
NR-CDL	Non-Resident Commercial Drivers License
OBC	On Board Computers
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
OFM	Office of Financial Management
OFPTA	Oregon Forest Products Trucking Association
OLTA	Oregon Log Trucking Association
OMCS	Office of Motor Carrier Services
OOIDA	Owner-Operator Independent Driver Association
OPUC	Oregon Public Utilities Commission
OSP	Oregon State Police
OS/OW	Oversize/Overweight
OTA	Oregon Trucking Association
OTC	Oregon Transportation Commission
PDPS	Problem Driver Pointer System
POE	Port of Entry
POE	Port of Entry Division (Division of UDOT, ITD)
RCRIS	Resource Conservation Recovery Information System
RFTA	Regional Fuel Tax Agreement
RIB	Reduced Institutional Barriers
RS	Registration Servcies (Division of ITD)
RSPA	Research and Special Programs Administration

SAE	Society of Automotive Engineers
SBAS	State Budget and Accounting System
STARS	State Accounting and Reporting System
TA	Temporary Operating Authority
TMC	Truck Maintenance Council
TTMA	Truck Trailer Manufacturers Association
TWC	Two-Way, Real-Time Communication
UDA	Utah Department of Agriculture
UDC	Utah Department of Commerce
UDOT	Utah Department of Transportation
UDPS	Utah Department of Public Safety
UFA	Utah Farmers Association
UHP	Utah Highway Patrol
UMCAC	Utah Motor Carrier Advisory Committee
UMTA	Utah Motor Transport Association
UPSC	Utah Public Service Commission
UTIP	Utah Truck Inspectors
USDOT	United States Department of Transportation
UTC	Utah Transportation Commission
UTC	Utilities and Transportation Commission
VIN	Vehicle Identification Number
WACIC	Washington Crime Information Center
WASHTO	Western Association of State Highway and Transportation Officials
WDOA	Wyoming Department of Audit
WDOL	Washington Department of Licensing
WHP	Wyoming Highway Patrol (Division of WTD)
WIM	Weigh In Motion

WRP	Western Regional Permit
WSDOT	Washington State Department of Transportation
WSP	Washington State Patrol
WTA	Washington Trucking Associations
WTA	Wyoming Trucking Associations
WTAEC	Western Trucking Association Executive Council
WTC	Washington Transportation Commission
WTD	Wyoming Department of Transportation
WTSC	Washington Traffic Safety Commission
WUTC	Washington Utilities and Transportation Commission

APPENDIX B

DEFINITION OF TERMS

APPENDIX B

DEFINITION OF TERMS

ACTUAL GROSS WEIGHT — The weight of the vehicle plus the weight of the load, used in ton-mile tax calculations.

ADDITIONAL TONNAGE PERMITS — An annual Washington permit issued after a vehicle has been licensed to legal limits. Possession of an additional tonnage permit does not allow hauling a load heavier than a legal load but does allow hauling a load heavier than the amount of licensed tonnage that was obtained at the time the vehicle was licensed.

APPORTIONED REGISTRATION — A method of licensing a fleet of commercial vehicles that operate in more than one jurisdiction. Collected fees are divided and distributed based on the percentage of miles traveled in each jurisdiction. Often used in reference to the International Registration Plan.

APPORTIONED VEHICLE — Vehicles operating in two or more member jurisdictions and used for the transportation of persons or property may apply for apportioned registration. Apportionable vehicles include (1) a power unit with a gross vehicle weight in excess of 26,000 pounds, (2) a power unit with three or more axles, regardless of weight, or (3) a power unit used in combination when the weight of such a combination exceeds 26,000 pounds gross vehicle weight.

BASE JURISDICTION — The jurisdiction where the registrant has an established place of business, where mileage is accrued by the fleet, and where operational records of such a fleet are maintained or can be made available.

BASE STATE — See "Base Jurisdiction"

BIENNIAL (PERIODIC TEST) — A drug test administered to a driver at the time of his or her medical examination.

BINGO STAMP — A vehicle-specific sticker issued by each state under current rules that indicates registration of ICC operating authority in that state. Program will disappear by 1994, when the ISTEA mandated base-state programs are implemented.

BULK HAULERS — Carriers that transport bulk commodities in containment systems with capacities in excess of 3,500 water gallons (except poison gases and Class A and B explosives which are considered bulk in any quantity).

CAB CARD — Certificate of registration (vehicle or fuel) issued by the base jurisdiction. It contains the jurisdictions and the registered gross weight for the jurisdictions in which the vehicle is registered.

CERTIFICATE OF OWNERSHIP — Vehicle title, showing a full description of the vehicle, the vehicle identification number, the number of miles on the odometer, any distinguishing marks of identification, and the name and address of the registered owner. The certificate of ownership need not be renewed annually.

COLLECTION SITE — A place designated by the motor carrier where individuals provide a urine specimen to be analyzed for the presence of controlled substances.

COMMERCIAL DRIVER'S LICENSE (CDL) — A license issued by a State or other jurisdiction to an individual which authorizes the individual to operate a class of a commercial motor vehicle.

COMMERCIAL MOTOR VEHICLE — A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (a) has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (b) has a gross vehicle weight rating of 26,001 or more pounds; or (c) is designed to transport 16 or more passengers including the driver; or (d) is of any size and is used in the transportation of hazardous materials (required to be placarded). (From 49 CFR 383.5).

COMMERCIAL VEHICLE SAFETY ALLIANCE — An association of State and Provincial officials responsible for the administration and enforcement of motor carriers safety laws in the U.S. and Canada.

COMMON CARRIERS — Carriers that serve the general public for business at regular rates and tariffs that are established with the governing economic regulatory commission.

COMPLIANCE REVIEW — An on-site examination of motor carrier operations such as driver's hours of service, maintenance and inspection, driver qualifications, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. A compliance review may be conducted in response to a request, to a change a safety rating, to investigate potential violation of safety regulations by motor carriers, or to investigate complaints or other evidence of safety violations. The compliance review may result in an enforcement action.

CONDITIONAL SAFETY RATING — Given to a motor carrier when it does not have adequate safety management controls in place to ensure compliance with the safety fitness standard.

CONTRACT CARRIERS — Carriers who haul for shippers under contract or special agreement. A contract carrier may convert to a common carrier, but only through proper application.

CONTROLLED SUBSTANCES — The five classes of drugs (cocaine, marijuana, opiates, amphetamines, and phencyclidine); used synonymously with drug.

CONVERTER GEAR — Used to convert a semitrailer into a trailer or a two axle tractor into a three-axle tractor. May be licensed as a separate vehicle or in combination with the vehicle with which it is used.

CREDENTIALS — The cab cards and apportioned plates with validation tabs issued for proportionally registered vehicles.

DECLARED COMBINED GROSS VEHICLE WEIGHT — The total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as declared by the carrier (for registration or tax purposes).

DISQUALIFICATION — (a) The suspension, revocation, cancellation, or any other withdrawal by a state of a person's privileges to drive a commercial motor vehicle; or (b) a determination by FHWA under the rules of practice for motor carrier safety that a person is no longer qualified to operate a commercial motor vehicle.

DIVISIBLE LOAD — A load that can shared between two or more vehicles by (1) shifting the commodity, (2) dismantling the equipment or (3) altering the vehicle configuration. Often used interchangeably with "Reducible Load."

ELECTRONIC FUNDS TRANSFER (EFT) — Any transfer of funds, other than a transaction originated by check, draft, or other similar paper instrument, that is initiated through a computer terminal, telephonic instrument, computer or magnetic tape to order, instruct, or authorize a financial institution to debit or credit an account.

EMERGENCY TEMPORARY OPERATING AUTHORITY — Limited term operating authority for a transportation service for which there is an emergency need that cannot be met by existing carrier service and when there is not sufficient time to process an application for a temporary operating authority.

ENDORSEMENT — An authorization appended to an individual's CDL; required to permit the individual to operate certain types of commercial vehicles.

ENVELOPE VEHICLE — A vehicle described by a predetermined set of specifications, such as a weight and size category.

EXCISE TAX — A tax levied on the sale, production, or consumption of certain commodities.

EXEMPT VEHICLES — Vehicles in some states that transport exempt commodities including mail, farm commodities transported between farms, coal, lumber, and logs. Also, vehicles owned by agricultural cooperative associations and used for non-profit activities; vehicles owned and operated by the state, county, city, town, municipality or public transit district; vehicles used for the distribution of newspapers; towing, wrecking and maintenance vehicles; and armored cars.

FEDERAL HEAVY VEHICLE USE TAX — Federal law requires proof of payment of the FHVUT when vehicles with 55,000 lb. or more gross weight or combined gross weight are licensed. Proof is not required on new units registered within 60 days of the date of purchase.

FEDERAL MOTOR VEHICLE EXCISE TAX — An excise tax of 12 percent is imposed on the first retail sale of all trucks weighing over 33,000 lbs, all trailers weighing over 26,000 lbs, and on all tractors used to pull trailers or semitrailers for highway transportation.

FOR-HIRE CARRIERS — Any carrier, available to the general public, in the business of hauling goods for compensation.

FORM E — An insurance form used to show that a carrier has obtained the necessary insurance for operating its truck fleet.

FULL TRAILER — Vehicle without motive power, designed for carrying property, pulled by a motor vehicle, and so constructed that no part of its weight rests on the towing vehicle.

GENERAL FUND — Funds within a state government that are not earmarked by existing legislation for specific activities.

GROSS COMBINATION WEIGHT RATING (GCWR) — The gross vehicle weight rating of combined or articulated vehicles.

GROSS VEHICLE WEIGHT RATING (GVWR) — The value specified by the manufacturer as the maximum loaded weight of a single vehicle.

INTERNATIONAL REGISTRATION PLAN (IRP) — An agreement between states of the U.S. and provinces of Canada that allows license fees to be paid to a single jurisdiction, prorated on the basis of fleet miles operated in any member jurisdiction.

INTERSTATE COMMERCE — Any trade, traffic, or transportation in the United States between a place in a jurisdiction and a place outside of that jurisdiction, or between two places in a jurisdiction through another jurisdiction (see "jurisdiction").

INTERSTATE MOTOR CARRIER — A motor carrier engaged in interstate commerce whose vehicle(s) transport property or passengers between or through two or more states or other jurisdictions (see "jurisdiction").

INTRASTATE — Trade, traffic, or transportation from one point within a jurisdiction to another point within the same jurisdiction.

INTRASTATE MOTOR CARRIER — A motor carrier whose vehicle(s) transport property or passengers from one point within a jurisdiction to another point within the same jurisdiction, excluding interstate movements.

JURISDICTION — A state, territory, or possession of the United States; a foreign country; or a state or province of a foreign country. (When used in reference to interstate or intrastate commerce, cities and counties are excluded.)

LOG TOLERANCE PERMITS — Unprocessed logs can be hauled in excess of weight limits imposed on other loads. The effect is that shorter logs may be transported on a vehicle that has a shorter wheelbase than would be otherwise allowed. The type of truck doing the hauling, gross weight, axle spacing, and local approval are regulated.

LOG TRUCKS — Vehicles designed and registered to carry unprocessed logs.

MIL RATE — A rate charged per thousand. Often used for assessing ton-mile tax (i.e., taxes are assessed per thousand ton-miles) (one mil = 1/10 cent).

MOTOR CARRIER — A person, individual, partnership, firm, association, or private or public corporation that is engaged in interstate or intrastate commerce and that operates or causes to be operated on any highway any commercial motor vehicle.

MOTOR VEHICLE FUEL TAX — A tax imposed on fuel for use by all motor vehicles.

MOTOR VEHICLE FUND REVENUE — Those state taxes, fees, and penalties which are deposited in the motor vehicle fund. This does not include (a) money derived from non-fuel tax sources that are deposited directly into several accounts, (b) interest deposited directly into several accounts, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed for others (does not exist in all states).

NON-DIVISIBLE LOAD — Cargo that cannot be reasonably shared between two or more vehicles by (1) shifting the commodity, (2) dismantling the equipment, or (3) altering the vehicle configuration. Often used interchangeably with "Non-Reducible Load."

NON-REDUCIBLE LOAD —Cargo that cannot be reasonably shared between two or more vehicles by (1) shifting the commodity, (2) dismantling the equipment, or (3) altering the vehicle configuration. Often used interchangeably with "Non-Divisible Load."

NON-RESIDENT CDL — A CDL issued by a state to an individual living in a foreign country.

OPERATING AUTHORITY — The legal permission required by a common or contract carrier to haul goods from one point to another. Interstate operating authority is granted by the ICC and registered in certain states by the state economic regulatory agency. Intrastate operating authority is granted by the state economic regulatory agency.

OPERATIONS — When applied to a motor carrier, this term means the operation of all commercial vehicles, whether loaded or empty, whether for compensation or non-compensation, and whether owned by or leased to another.

OS/OW PERMITS — The hauler must show that the load cannot reasonably be dismantled or disassembled. If the load can be reduced, even if that would require the use of additional vehicles, no special permit will be issued. Escort vehicles, signs, and hours and days of movement need to be regulated.

OVERDIMENSIONAL — Any vehicle, vehicle combination, or load in excess of length, width, or height limits established by state or federal code.

OVERLEGAL — Any vehicle, vehicle combination, or load in excess of length, width, height, or weight limits established by state or federal code.

OWNER/OPERATOR — The person, firm, or corporation that leases vehicle equipment with a driver to a carrier (often the owner, an individual, is the operator).

PERMIT AGENTS — Individuals or companies legally empowered to sell various permits for OS/OW or other operating conditions.

POST ACCIDENT TEST — A test administered to a driver following a reportable accident in which the driver has been cited for a moving violation, regardless of whether there is reasonable cause to believe the driver has been operating the commercial vehicle while under the influence of drugs or the driver was at fault in the accident and drug use may have been a factor.

PRE-EMPLOYMENT TEST — A test given to an individual whom the motor carrier intends to hire or use as a commercial motor vehicle driver.

PRINCIPAL PLACE OF BUSINESS — A single location designated by the motor carrier, normally its headquarters, where records will be maintained.

PRIVATE CARRIERS — Carriers that transport their own products (commodities to which they hold title).

PRORATE — Registration that allows commercial vehicles to comply with the registration requirements of more than one jurisdiction, and to pay registration fees based on their percentage of miles traveled in each jurisdiction.

RANDOM TEST — An unannounced drug test that is given to a predetermined percentage of covered drivers who are selected in a statistically sound, random selection process from a pool of all eligible drivers.

REASONABLE CAUSE TEST — A drug test administered to a driver whose conduct or appearance indicates the use of controlled substances. The determination for testing may be made only by a supervisor or company.

RECIPROCITY AGREEMENTS — Agreements between states allowing for the reciprocal granting of equivalent rights and/or privileges to properly credentialed vehicles.

REDUCIBLE LOAD — A load that can be shared between two or more vehicles by (1) shifting the commodity, (2) dismantling the equipment, or (3) altering the vehicle configuration. Often used interchangeably with "Divisible Load."

REGISTERED GROSS WEIGHT — The total weight (vehicle plus load) which a truck is registered to carry without additional permits.

REPORTABLE ACCIDENT — An accident in which (a) a fatality occurs; or (b) an individual injured in the accident immediately receives medical attention away from the scene of the accident; or (c) total property damage is above a specified monetary limit.

SAFETY MANAGEMENT CONTROLS — The systems, practices, policies, programs, and procedures used by a motor carrier to ensure compliance with applicable safety and hazardous materials regulations, which ensure the safe movement of products and passengers through the transportation system and reduce the risk of highway accidents and hazardous materials incidents.

SAFETY REVIEW — An on-site assessment to determine whether a motor carrier has adequate safety management controls established and functioning to meet the safety fitness standard. The safety review includes an inspection of selected motor carrier records and operations. It is used to gather information for assigning ratings to unrated carriers. The safety review is not ordinarily employed to gather evidence in support of enforcement actions, but it is used in this manner if serious violations are discovered (e.g., absence of proof of financial responsibility, document falsification).

SATISFACTORY SAFETY RATING — A motor carrier has established and is operating adequate safety management controls to meet the safety fitness standard. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier.

SELF INSURANCE — For larger carriers, self insurance allows a carrier to set aside specific funds to cover their legal liabilities. It is used in place of purchasing insurance coverage from a private insurance company.

SEMITRAILER — A vehicle without motive power, designed for carrying property and for being pulled by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

SINGLE TRIP PERMIT (OVERDIMENSIONAL) — The document that indicates a vehicle or combination of vehicles can legally carry a specific load to a specified destination, for vehicles that could not normally travel that route legally. Such permits are valid only on an individual trip basis, and are not issued annually.

SINGLE TRIP PERMIT (REGISTRATION) — The document that, in lieu of registration, allows the unladen single trip movement or transit of a vehicle between points of origin and destination in the state.

SPECIAL FUEL — All combustible gases and liquids suitable for the propulsion of motor vehicles, except gasoline.

SPECIAL FUEL PERMITS — A permit for motor vehicles that use a special fuel (other than gasoline) traveling in a state for commercial purposes. Any operator who does not have a valid special fuel user's license must purchase a special fuel tax permit. This does not exempt the carrier from paying taxes on the fuel purchased while in this state.

SPECIAL FUEL TAX — The taxes assessed on motor vehicle fuels, except gasoline.

TANK VEHICLE — Any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis.

TEMPORARY OPERATING AUTHORITY— Limited term authority to operate a transportation service for which there is an immediate need that cannot be met by an existing carrier service.

TON MILE TAX — A per-mile tax, calculated by determining the ratio of actual vehicle gross weight to the sum of actual miles traveled at that weight. A weight distance tax, which is similar, bases the tax on registered (instead of actual) gross vehicle weight.

TRACTOR — A motor vehicle used primarily for drawing other vehicles but not constructed to carry a load other than part of the weight of the vehicle that is pulled.

TRAILER — A towed (non-powered) vehicle, used for transportation of cargo. Examples include a full trailer, semitrailer, pole trailer, or utility trailer.

TRIP LEASERS — Leased carriers operating for multiple companies.

TRIP PERMIT — A temporary permit issued by a jurisdiction in lieu of longer term credentials. Trip permits can include temporary vehicle registration, operating authority, fuel license, and oversize/overweight permits.

TRUCK TRACTOR — A vehicle designed and used primarily for pulling other vehicles, but constructed to carry a load, in addition to a part of the weight of the vehicle and load (dromedary).

UNIFORM PRORATE AND RECIPROCITY AGREEMENT — An agreement developed prior to IRP that allowed commercial carriers to prorate registration fees based on the percentage of miles traveled in each jurisdiction.

UNLADEN VEHICLE WEIGHT — The actual weight of the vehicle, including the cab, the body, and all accessories with which the vehicle is equipped for normal use on highways (excludes the weight of any load).

UNRATED CARRIER — A safety rating has not been assigned to the motor carrier by the FHWA.

UNSATISFACTORY SAFETY RATING — A rating given by a regulatory agency to indicate that a motor carrier did not successfully pass a safety review. It generally means that the carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard.

WEIGHT DISTANCE TAX — A per-mile tax calculated by determining the ratio of registered gross vehicle weight to miles traveled. Differs from a ton-mile tax in that actual gross vehicle weight is used in that case.

WESTERN COMPACT — see "Uniform Prorate and Reciprocity Agreement."

WESTERN PRORATE — see "Uniform Prorate and Reciprocity Agreement."

WESTERN UNIFORM COMPACT — see "Uniform Prorate and Reciprocity Agreement."

APPENDIX C

FEDERALLY MANDATED PROGRAMS COMMON TO ALL STATES

APPENDIX C

FEDERALLY MANDATED PROGRAMS COMMON TO ALL STATES

In a number of the functional areas described throughout this report, a part or all of the function is governed by federal mandates. For this reason, little variability exists between states for execution of these programs. Functional areas that are partly or wholly mandated by federal requirements include:

- Commercial Driver's License,
- Vehicle Registration,
- Operating Authority and Insurance,
- Tax Collection, and
- Safety Regulation.

The federal programs as related to these functional areas are described in detail below.

COMMERCIAL DRIVER'S LICENSE

The 1986 Commercial Motor Vehicle Safety Act (CMVSA) requires all states to meet the same minimum standards for testing and licensing drivers of commercial motor vehicles. Commercial drivers throughout the United States are required to obtain a single Commercial Driver's License (CDL). A valid CDL, one that is not suspended, revoked, or canceled, allows the driver to operate a commercial vehicle in any state without retesting or carrying multiple licenses. The CMVSA also mandates uniform penalties and a central reporting system.

Written tests are essentially identical among states, though there are still some differences. For example, California is more restrictive than some other states for hazardous material endorsements; drivers there must be retested more frequently than in neighboring states.

A CDL is required for drivers that operate any of the following vehicles:

- all single vehicles with a gross vehicle weight rating (GVWR) of more than 26,000 pounds,

- all trailers with a GVWR of more than 10,000 pounds, if the gross vehicle weight rating of the combined vehicle(s) is more than 26,000 pounds,
- all vehicles designed to transport 16 or more persons (including the driver), and
- all vehicles that carry placarded amounts of hazardous materials.

These vehicles can be divided into three classes, A, B, and C, depending on the type of vehicle being driven (see Table C-1). A Class A CDL allows operation of vehicles in any of the lower classes if the correct endorsements have been obtained.

There are five types of endorsements for the CDL:

P	passenger
T	double and triple trailers
N	tank vehicle
H	hazardous materials
X	tank vehicles transporting hazardous materials (Idaho uses N-H)

In addition to the special endorsements, a CDL restriction requires drivers of vehicles equipped with air brakes to pass additional tests that specifically address that feature. Drivers who do not take or pass these tests are restricted to driving non-air braked vehicles.

Farmers, firefighters, military personnel, and recreational vehicle operators are exempt from the CDL requirements.

A driver may have the CDL suspended, canceled, or revoked or may be disqualified from operating a commercial vehicle for (1) providing false information on the CDL application or (2) receiving serious traffic convictions, including citations for excessive speeding, reckless driving, or following too closely. The penalty is more serious if the driver is convicted of a more serious offense, such as driving under the influence of alcohol or drugs or leaving the scene of an accident.

Table C-1. Vehicle Groups as Established by FHWA

Group	Description
A	Any combination of vehicles with a GCWR of 26,001 or more pounds, provided the GVWR of the vehicle(s) towed is in excess of 10,000 pounds.
B	Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
C	Any single vehicle, or combination of vehicles, that does not meet the definition of Group A or Group B as contained herein, but that either is designed to transport 16 or more passengers including the driver, or is placarded for hazardous materials.

From 49 CFR 383.91, 8/92

INTERNATIONAL REGISTRATION PLAN

The International Registration Plan (IRP) is an agreement between states of the U.S. and provinces of Canada that allows license fees to be paid to a single jurisdiction, prorated on the basis of fleet miles operated in any member jurisdiction.

A carrier or owner/operator registers each vehicle in its base state only (i.e., one set of license plates and one cab card are issued for each vehicle). The registration fees, based on miles traveled, are then sent to the states in which the driver operated. Cab cards for the power unit must be carried inside that vehicle.

At this time nearly every state is offering apportioned registration to its interstate carriers. By 1996, every state will be mandated by the Intermodal Surface Transportation Efficiency Act (ISTEA) to offer apportioned registration, through the IRP.

Jurisdictions outside of the continental U.S. are also required to apply for apportioned registration if they want to participate in interstate commerce. Alaska and British Columbia are members of the Uniform Prorate and Reciprocity Agreement, which preceded the IRP but accomplishes similar functions.

Any commercial vehicle owner may be audited for the purpose of verifying the authenticity of reported mileage figures. Records are examined for the current registration year and the preceding three years. Currently, IRP audits are performed on 15 percent of the carriers every 5 years, similar to IFTA audit requirements. Though these audit schedules are required, no penalty exists for non-compliance by a jurisdiction.

Common problems discovered during the audit process include

- miles unreported because of mathematical errors,
- miles unreported because of careless record-keeping,
- unreported miles traveled on roads constructed and maintained with public funds, and
- carrier hauling at a weight in excess of the registered weight.

Each jurisdiction in which the carrier is registered is notified of the audit findings, and is responsible for collecting outstanding fees or penalties, or refunding overpayments discovered through the audit.

OPERATING AUTHORITY AND INSURANCE

Interstate operating authority is required for every carrier who operates a commercial vehicle for hire and receives compensation for services. The type of operating authority required depends on the type of business being conducted (e.g., common, contract, or exempt carrier). Private carriers are not required to obtain operating authority.

The Interstate Commerce Commission (ICC) is responsible for granting interstate operating authority. To obtain interstate operating authority, the carrier must provide proof of adequate insurance to the ICC. Insurance requirements, which are regulated by the USDOT, depend upon the type of carrier and the commodities being transported. A summary of the federal insurance requirements is shown in the Table C-2.

The ICC fees for interstate operating authority are as follows:

$25 for permanent authority

$200 for temporary authority

$150 for emergency temporary authority

Only cash or checks are accepted for payment of these fees. The ICC can provide registration on the same day the carrier applies.

Some states require registration of interstate operating authority. The rules regarding registration of authority are changing considerably. The ISTEA has mandated that states change to a uniform base state program, but the details of exactly how this program will be implemented are not yet clear. The current bingo stamp program and the base state program (mandated to take effect in 1994) are discussed below.

Table C-2. Federal Insurance Requirement

CARRIER	COMMODITY	INSURANCE
For-Hire (Interstate or Foreign Commerce)	property, non-hazardous	$750,000
For-Hire & Private (Interstate, Intrastate, and Foreign Commerce)	hazardous material in cargo or portable tanks, class A or B explosives, poison gas, compressed or liquefied compressed gas, or radioactive materials	$5,000,000
For Hire & Private (Interstate & Foreign Commerce — any quantity, Intrastate — bulk only)	oil, hazardous waste, hazardous substances	$1,000,000
For-Hire & Private (Interstate, Intrastate, and Foreign Commerce)	Class A or B explosives, poison gas, radioactive materials	$5,000,000

Current Program

The bingo stamp program is being used in 39 states. Each carrier receives a sticker, which is affixed to a card. Each state provides a sticker; the card has spaces for all 39 participating states to signify where operating authority has been registered.

Base State Program

Similar to the IRP and IFTA in concept, all carriers must register with the state in which they are based. If the carrier is not based in a participating state, registration is required in the state in which the highest fee is paid. The carrier must file its name, address, insurance information, and ICC number indicating that it has been granted interstate operating authority. The base state will then collect fees for all states in which the fleet plans to operate. The driver will carry only proof of fees paid and probably a number that is assigned to the carrier (not the vehicle).

INTERNATIONAL FUEL TAX AGREEMENT

The International Fuel Tax Agreement (IFTA) allows interstate carriers to pay motor fuel use taxes to a single base state instead of submitting payments to each state in which the carrier operates. Through a clearing house process, each member state receives payment of all motor fuel taxes that are due, depending on the amount and type of fuel purchased in that state. The base state then monitors their state-based carriers, for both interstate and intrastate travel. Other member states collect the taxes and monitor the activities of the carriers based in their state.

In addition to collecting fuel taxes, audits must be conducted to ensure that the correct tax amounts are being submitted. IFTA audits are required for 15 percent of all carriers every five years. All accounts are subject to an audit every three years. Accounts with significant discrepancies are scheduled more frequently.

The base state is responsible for conducting the audit. The findings of the audit are reported to the carrier in writing, as well as to any member jurisdiction affected by the

audit. The base state collects any tax, penalty, or interest owed to all other member states.

Common problems discovered during the audit process include

- inaccurate reporting of fuel mileage,
- miles unreported because of mathematical errors,
- miles unreported because of careless record-keeping, and
- unreported miles traveled on roads constructed and maintained with public funds.

The ISTEA requires that, for a state to qualify for federal grants, it must (1) join a base state fuel tax system (but not specifically IFTA), (2) start another base state program, or (3) allow trucks to operate in the state without fuel taxation. Maine, New Hampshire, and Vermont already participate in the Regional Fuel Tax Agreement (RFTA). The ISTEA exempts RFTA from changing to IFTA, though RFTA is not allowed to expand.

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

The Motor Carrier Safety Assistance Program (MCSAP) provides participating states with the federal funds (at a matching ratio of 80 percent federal and 20 percent state) to support truck and bus safety activities. In return for receiving the federal funding to conduct these activities, the states primary task is to enforce federal motor carrier safety regulations (FMCSR) and hazardous material regulations (HMR) through roadside inspection and safety audits. Enhancements to this program include the following:

- traffic enforcement activities carried out in conjunction with roadside inspections;
- increased Commercial Drivers' License requirements enforcement;
- training of MCSAP inspectors to enforce hazardous materials regulations;
- for those states that have adopted the National Governors Association's (NGA) recommendations, development of uniform reporting methods for truck and bus accident data;

- research, development, and demonstration of technologies, methodologies, or information systems designed to enhance safety through MCSAP; and
- education of the motoring public on sharing the road safely with commercial motor vehicles.

During day-to-day operations, the MCSAP program focuses on three main areas: (1) controlled substance regulation, (2) roadside or terminal inspections to check condition of both the driver and the equipment, and (3) safety and compliance reviews (audits) to check the safety records of the motor carrier.

Controlled Substance Regulation

As part of the effort to improve roadway safety, the Federal Highway Administration requires that all motor carriers establish or join programs to implement the following types of drug tests.

- Pre-Employment — all individuals whom the motor carrier intends to hire or use, on a permanent or temporary basis, as commercial motor vehicle drivers must be tested.
- Biennial (Periodic) — each driver must be tested for controlled substances at least every two years, commencing with the driver's first medical examination.
- Reasonable Cause — applies when a supervisor or company official trained in the detection of probable drug use directly observes a driver whose conduct or appearance suggests the use of a controlled substance.
- Random — a motor carrier must conduct unannounced testing on a random selection of drivers.
- Post-Accident — a driver cited for a moving violation following a reportable accident must be tested for drugs as soon as possible following that accident, but in no case later than 32 hours after the accident.

The regulations apply to motor carriers and operators of commercial motor vehicles in interstate commerce. If a driver refuses to be tested for controlled substance use, or if the driver is found to be a user of controlled substances, the driver is considered unqualified to operate a commercial motor vehicle until a negative test result is obtained. If the driver of a commercial vehicle either refuses to take the controlled substance test following an accident or tests positive after an accident, the driver is disqualified from operating a commercial motor vehicle for one year following the accident. Motor carriers

that violate the provisions of the agency's anti-drug program may also be subject to civil and criminal penalties, including being declared out-of-service and fines as high as $10,000 per violation. Review of compliance with the drug testing requirements has been added to all safety and compliance reviews conducted on motor carrier operations.

A motor carrier cannot allow or require any driver to drive more than ten hours following eight consecutive hours off duty, or after being on duty 15 hours, or after being on duty more than 60 hours in seven consecutive days. A motor carrier operating vehicles every day of the week cannot allow or require any driver to drive after being on duty more than 70 hours in eight consecutive days.

Roadside/Terminal Inspections

All inspections are conducted under CVSA guidelines and out-of-service criteria. If a driver is found to violate various criteria, the driver and vehicle may be placed out of service. Though out-of service decisions should follow the out-of-service criteria defined by the CVSA, these decisions are sometimes made at the discretion of the enforcing agent.

CVSA inspections consist of five levels:

I in-depth inspection of vehicle and driver,

II driver inspection and vehicle walk-around inspection,

III driver inspection,

IV special study, and

V terminal inspection.

CVSA decals are only issued during levels I and V inspections. The CVSA sticker is not required, but drivers have an incentive to obtain one. Display of a valid CVSA sticker (good for 90 days) usually allows the truck to bypass weigh station inspection points, unless obvious safety defects are evident, resulting in significant time savings. A level I CVSA inspection typically takes 25 to 30 minutes. There is no charge for the CVSA sticker.

Drivers convicted of violating an out-of-service order for the first time are disqualified from operating a heavy truck or bus for at least 90 days and subject to a civil penalty of at least $1,000. Drivers convicted of a second violation are disqualified from operating a heavy truck or a bus for at least one year (but not more than five years) and are subject to a civil penalty of at least $1,000. An employer who allows, authorizes, or requires a driver to operate a vehicle in violation of an out-of-service order is subject to a civil penalty of $10,000 or less.

Safety/Compliance Reviews

Safety and Compliance Reviews are the primary tool for monitoring compliance with motor carrier safety and hazardous materials/waste regulations. The reviews consist of interviews, vehicle inspections, and examination of certain records to obtain information regarding:

- hiring practices and procedures
- driver qualifications, and drug testing,
- accident history,
- drivers' hours of service,
- inspection of vehicles,
- maintenance program,
- hazardous materials/waste regulation compliance, and
- training programs.

The Safety/Compliance review selection criteria may include, but are not limited to the following:

- number of preventable accidents,
- recent roadside vehicle inspections,
- complaints received,
- past compliance history,
- special studies or analysis, and
- commodity transported or shipped.

An unfavorable review may result in a warning letter, a monetary penalty, and/or suspension of operating authority.

Compliance Reviews are conducted if: (1) a carrier receives an unsatisfactory or conditional Safety Review, (2) there are complaints about that carrier (generally from other carriers), or (3) that carrier has a bad safety record. Compliance Reviews are

sometimes performed by state inspectors but more often by investigators from FHWA. Compliance Review violations can carry either civil or criminal penalties.